

EXHIBIT A

CONDENSED TRANSCRIPT

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF TEXAS
3 HOUSTON DIVISION
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7 CIVIL ACTION NO: 4:CV-00214

8 KEITH COFFIN, ON BEHALF OF HIMSELF
9 AND OTHERS SIMILARLY SITUATED

10 VERSUS

11 BLESSEY MARINE SERVICES, INC.

12 * * * * *

13
14 The deposition of DUSTIN GRENON
15 Taken on Monday, the 5th day of June, 2012
16 Commencing at 9:09 a.m.
17 At the offices of
18 Steven F. Griffith, Jr.
19 201 St. Charles Avenue, Suite 3600
20 New Orleans, Louisiana 70170

21 REPORTED BY: ELICIA H. WOODWORTH, C.C.R.

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EXHIBIT

A

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<p>IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION</p> <p>*****</p> <p>CIVIL ACTION NO: 4:CV-00214</p> <p>KEITH COFFIN, ON BEHALF OF HIMSELF AND OTHERS SIMILARLY SITUATED VERSUS BLESSEY MARINE SERVICES, INC. *****</p> <p>The deposition of DUSTIN GRENON Taken on Monday, the 4th day of June, 2012 Commencing at 9:09 a.m. At the offices of Steven F. Griffith, Jr. 201 St. Charles Avenue, Suite 3600 New Orleans, Louisiana 70170</p> <p>REPORTED BY: ELICIA H. WOODWORTH, C.C.R.</p> <p>*****</p>	<p>1 APPEARANCES:</p> <p>2</p> <p>3 REPRESENTING KEITH COFFIN, JOSH FOX, JOSE RANGEL, 4 GREGORY ROBINSON, JASON VILLARREAL, ZACHARY LATIOLAIS, 5 CODY DUKE, FREDDIE ANDREW MCLEMORE, JR., MASON FULKERSON 6 AND DUSTIN AKINS: 7 Mark J. Oberti, Esquire 8 Oberti Sullivan, LLP 9 723 Main Street, Suite 340 10 Houston, Texas 77002</p> <p>11 REPRESENTING BLESSEY MARINE SERVICES, INC.: 12 Baker, Donelson, Bearman, Caldwell & Berkowitz, PC 13 Steven F. Griffith, Jr., Esquire 14 201 St. Charles Avenue, Suite 3600 15 New Orleans, Louisiana 70170</p> <p>16 ALSO PRESENT: 17 Matt Juneau 18 Ray Schaefer 19 Thomas Bethune</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 REPORTED BY: ELICIA H. WOODWORTH, C.C.R.</p>
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<p>1 DUSTIN GRENON, 2 Having been first duly sworn, was examined and testified 3 as follows: 4 EXAMINATION BY MR. OBERTI: 5 Q. Could you state your name for the record please, 6 sir? 7 A. My name is Dustin Grenon. 8 Q. All right. Mr. Grenon, have you ever given a 9 deposition before? 10 A. No, I have not. 11 Q. Okay. Well, you attended Mr. Voss' deposition 12 yesterday? 13 A. Yes. 14 Q. And just for the record then, a couple of rules, 15 first and foremost, you're sworn to the tell the truth 16 here today, and do you promise to do that? 17 A. Yes. 18 Q. And, of course, like I said with Mr. Voss, I'll 19 try to let you finish your answer before I butt in with 20 a new question, and in return, I'll ask you to try to 21 let me finish my question, even if you know where I'm 22 going, before you start your answer, so the court 23 reporter can take down a clean record. Okay? 24 A. Sure. 25 Q. And then, of course, this is a</p>	<p>1 Q. All right. As I understand it, so far you've 2 given three declarations in this case? 3 A. I believe so. 4 Q. And I assume you reviewed those today? 5 A. Yes. 6 Q. And then did you also review the job description 7 for tankerman position? 8 A. I've seen it. 9 Q. And we've got another copy here in the binder 10 book there, Exhibit 13 and 14. You can just turn to 13. 11 Obviously you worked for -- how many years as a 12 tankerman? 13 A. Two or three years. 14 Q. Okay. All at Blessey? 15 A. No. I tanked barges for Hollywood Marine as 16 well. 17 Q. Before coming to Blessey? 18 A. Correct. 19 Q. How long did you work as a tankerman there? 20 A. Approximately a year and a half. 21 Q. And you were paid a day rate there? 22 A. Yes. 23 Q. And you were obviously paid a day rate at 24 Blessey? 25 A. Yes.</p>
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<p>1 question-and-answer format. If you don't understand one 2 of my questions, let me know and I'll try to clarify it. 3 Otherwise, I'll assume that you understood it. Okay? 4 A. Okay. 5 Q. As I understand, you're employed by, I'll either 6 call it Blessey or BMSI, for 18 years now? 7 A. For the most part of that, yes. 8 Q. Okay. Did you ever leave the company and come 9 back? 10 A. Yes, I did. 11 Q. Okay. One time? 12 A. Twice. 13 Q. Where did you go? 14 A. One time I used to work for CGB in LaPlace, 15 Louisiana, and another time I left to go to work for 16 Marquette Transportation. 17 Q. Are CGB and Marquette also towing companies? 18 A. CGB is fleeting. 19 Q. What was the position you held there? 20 A. A dispatcher. 21 Q. What about at Marquette? 22 A. Yes, they're a towing company, and I held the 23 position of port captain. 24 Q. Port captain? 25 A. Yes.</p>	<p>1 Q. All right. And since then, since you've given 2 these declarations, you purport to know even now what 3 tankermen generally are responsible for at Blessey? 4 A. Yes. 5 Q. Because your current position is; what, director 6 of operations? 7 A. Yes. 8 Q. How long have you had that position? 9 A. Since October of 2010. 10 Q. Okay. So it says here on Exhibit 13, this is the 11 first page from your internet site. One of the things 12 it says is, "The primary function of the tankerman is to 13 prepare the barges that are assigned to his boat for 14 safe and complete loading and discharging of oil, 15 refined and petrochemical barges"; did I read that 16 correctly? 17 A. Yes. 18 Q. So what specific actions does a tankerman do to 19 prepare the barges that are assigned to his boat for 20 safe and complete loading and discharging of oil, 21 refined and petrochemical barges? 22 A. Well, basically loading and discharging are two 23 different operations. If you're loading a barge, the 24 tankerman would have to open up appropriate valves to 25 ensure the product was coming into the barge in order</p>

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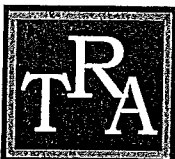
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<p>1 that the barge would be loaded properly to transport the</p> <p>2 cargo.</p> <p>3 Q. Okay.</p> <p>4 A. He would have to monitor product levels in each</p> <p>5 one of the tanks once they started loading to ensure</p> <p>6 that the product was level so the barge wasn't damaged</p> <p>7 in any way so we could transport the customer's cargo.</p> <p>8 Q. What else would be considered, in your mind,</p> <p>9 preparing the barges for safe and complete loading of</p> <p>10 discharging oil, refined and petrochemical barges?</p> <p>11 A. Let me just clarify, loading or discharging, it</p> <p>12 would be one or the other.</p> <p>13 Q. You said it would be two different things.</p> <p>14 A. Correct.</p> <p>15 Q. So right now, you're focusing on what it would</p> <p>16 take to prepare for loading?</p> <p>17 A. For loading; correct.</p> <p>18 Q. So that's my question, what else would that</p> <p>19 entail?</p> <p>20 A. You hook up a hose, and this hose is connected to</p> <p>21 the barge to -- and that's where the cargo comes</p> <p>22 through, the hose.</p> <p>23 Q. Anything else you can think of?</p> <p>24 A. You would check all of the hatches to make sure</p> <p>25 there was no water inside the barge, make sure there's</p>	<p>1 A. On the discharge side. Well, on the discharge</p> <p>2 side, they use the barge's engine to pump the cargo out,</p> <p>3 so you would ensure that the engine is in good shape and</p> <p>4 ready to pump the cargo, check the oil.</p> <p>5 Q. The engine on the barge?</p> <p>6 A. Sure.</p> <p>7 Q. Okay.</p> <p>8 A. You would check the pump to make sure that the</p> <p>9 pump is going to be able to come in and out of gear.</p> <p>10 Q. What was that mean?</p> <p>11 A. There a PTO attached to the pump -- there's a PTO</p> <p>12 attached to the engine which spins the drive shaft</p> <p>13 attached to the pump.</p> <p>14 He would also check the fuel level to make sure</p> <p>15 there's enough fuel on the tank in the barge to</p> <p>16 discharge all of the products.</p> <p>17 Q. To run the engine?</p> <p>18 A. Correct.</p> <p>19 Q. Okay. Anything else that would be required to</p> <p>20 prepare the barge for discharge?</p> <p>21 A. None that comes to mind right now.</p> <p>22 Q. Okay. All right. In, I believe, two of your</p> <p>23 declarations, you expressed an opinion on what</p> <p>24 percentage of various individuals working time</p> <p>25 constituted time that was considered to be cargo</p>
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<p>1 no leaks.</p> <p>2 Q. Would you do that before or after the hoses are</p> <p>3 hooked up?</p> <p>4 A. You do it either/or.</p> <p>5 Q. Okay. Anything else?</p> <p>6 A. He would make sure that barge was properly lit.</p> <p>7 Q. What does that mean?</p> <p>8 A. When a barge is underway, there's running lights</p> <p>9 on it, and what that does is it tells other vessels what</p> <p>10 direction the boat's headed in so they can see -- when</p> <p>11 we go to dock, they will put out white lights one each</p> <p>12 one of the corners to show that the barge is aboard, and</p> <p>13 there will also be a red light that's visible from 360</p> <p>14 degrees to show they're doing a transfer on the dock.</p> <p>15 Q. Do they only do this during the day or at night</p> <p>16 or all times?</p> <p>17 A. There's actually a red flag during the day that's</p> <p>18 visible, and at night, there's a red light.</p> <p>19 Q. So it's either properly lit or properly flagged?</p> <p>20 A. Correct.</p> <p>21 Q. Anything else that you would consider preparing</p> <p>22 the barges that are assigned to his boat for safe and</p> <p>23 complete loading?</p> <p>24 A. Nothing that comes to mind right now.</p> <p>25 Q. What about on the unloading side?</p>	<p>1 transfer time; right?</p> <p>2 A. Correct.</p> <p>3 Q. Okay. So my question to you is, any of the</p> <p>4 things that you've listed for preparing the barge for</p> <p>5 loading or unloading, did any of those activities fall</p> <p>6 within cargo transfer time that you counted?</p> <p>7 A. No. Those are all things that a deckhand could</p> <p>8 have done.</p> <p>9 Q. Okay. All right. And let me ask you this, then:</p> <p>10 As I understand it -- well, let me confirm with you, the</p> <p>11 barges -- does a tankerman have responsibility for</p> <p>12 oiling grease fittings on a barge?</p> <p>13 A. He does if a captain tells him to do it.</p> <p>14 Q. Okay. What would be the point of oiling grease</p> <p>15 fittings on a barge?</p> <p>16 A. For instance, you grease the valves on a barge,</p> <p>17 and the reason that you would grease the valves on a</p> <p>18 barge is, if you couldn't open or close that valve, you</p> <p>19 wouldn't be able get product either in our out of that</p> <p>20 specific tank. Some of the barges may have four tanks.</p> <p>21 They may have upwards of 12 tanks, and if a product</p> <p>22 can't come out or go into that specific tank, you could</p> <p>23 twist a barge.</p> <p>24 Q. Okay. So it's just part of properly maintaining</p> <p>25 the barge so that it can pump liquid?</p>

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<p>1 A. Not just pump liquid, but load liquid, pump 2 liquid. Yeah, it's maintenance on a barge. 3 Q. When you were a tankerman, did you ever oil or 4 grease fittings on a barge? 5 A. Sure. 6 Q. Is it something a deckhand could do, too, though? 7 A. Yes. 8 Q. And do deckhands do that sometimes, too? 9 A. Uh-huh. 10 Q. Yes? 11 A. Yes. 12 Q. She can only take down what we verbalize to her, 13 but everybody does it, so try your best to verbalize it. 14 Are there filters on these barges? 15 A. There's filters on the engines of the barges. 16 Q. Oil filters? 17 A. Yes. 18 Q. And do those have to be changed from time to 19 time? 20 A. Yes, they do. 21 Q. Have you ever changed an oil filter on a barge? 22 A. Yes, I have. 23 Q. You worked as a deckhand for Blessey as well; 24 correct? 25 A. No. I worked a tanker- -- I worked as a deckhand</p>	<p>1 BY MR. OBERTI: 2 Q. Okay. But sometimes it's done? 3 A. It is done sometimes, yes. 4 Q. And then, I guess, going to the next page, as a 5 tankerman at Blessey, did you ever clean the barges of 6 oil spots and debris? 7 A. Yes. 8 Q. And what was the purpose of that? 9 A. Basic maintenance on the barge, keep the barge 10 clean. 11 Q. Okay. But would cleaning the barge of oil spots 12 and debris in any way help the barge properly load or 13 unload? 14 A. Yes. When we go to the dock with a barge that 15 has oily residue on the deck, if it were to rain while 16 you're loading the barge, oil floats to the, and if it 17 rains hard enough, that rainwater would fill your spill 18 rails basically and it would go over the side. So on a 19 barge, you always make sure that there's no oily residue 20 on the dock, otherwise, you couldn't load the barge. 21 You may get kicked off the dock. 22 Q. Okay. At Blessey, are any particular categories 23 of workers specifically or primarily assigned for 24 maintaining the barge, like the deckhands or the 25 tankerman, or is it all just up to the captain to</p>
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<p>1 with Hollywood Marine. Got my tankerman's license with 2 Hollywood Marine, came on board with Blessey as a 3 tankerman. 4 Q. So had you ever changed out an oil filter on a 5 barge engine at Blessey? 6 A. Yes. 7 Q. Obviously as a tankerman? 8 A. Yes. 9 Q. What's the purpose -- I'm assuming the purpose of 10 doing that is, once again, to make sure that the barge 11 engine can operate properly so that it can either load 12 or unload? 13 A. Don't need the engine to load the barge, because 14 when you load a barge, that product is coming from the 15 refinery or the tank farm, you only use the engines that 16 are on the barges during discharge. 17 Q. I got you. 18 Okay. So would you agree that -- going back to 19 my first point here, that oil and grease fittings on a 20 barge, would you agree that that's part of preparing for 21 discharging? 22 MR. GRIFFITH: 23 Object to the form. 24 THE WITNESS: 25 No, because it's not done every time.</p>	<p>1 assign? 2 A. It's up to the captain. 3 Q. Do you know as a practical matter, does the 4 captain typically assign either the tankermen or the 5 deckhand to maintain barges, or is there's no -- 6 A. It all -- 7 MR. GRIFFITH: 8 I'm going to object to the question. 9 If you know. 10 MR. OBERTI: 11 If you know. 12 THE WITNESS: 13 It all depends. Sometimes the captains 14 do it. 15 BY MR. OBERTI: 16 Q. So it could be any worker on that crew? 17 A. Any crew member on board. 18 Q. But the only thing that -- we know a deckhand is 19 not actually legally authorized to transfer cargo; 20 correct? 21 A. Correct. 22 Q. So for a crew member to legally transfer cargo, 23 as the way you defined it in your declaration, they have 24 to have a tankerman's license? 25 A. That's correct.</p>

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<p>1 Q. As a tankermen at Blessey, would there ever be a</p> <p>2 need to verify that all hatches are securely lightened</p> <p>3 on the barge?</p> <p>4 A. Yes.</p> <p>5 MR. GRIFFITH:</p> <p>6 Object to form.</p> <p>7 You can answer.</p> <p>8 BY MR. OBERTI:</p> <p>9 Q. Why would that be necessary?</p> <p>10 A. We tool tighten the barge -- we tool tighten all</p> <p>11 of the hatches on our barge. First off, if the barge is</p> <p>12 loaded, there are void hatches alongside the wing tanks</p> <p>13 of the barge, if waves were to come over, they could</p> <p>14 get -- potentially water could enter into the void</p> <p>15 tanks, so we make sure that they're tool tight.</p> <p>16 Q. So if water were to get into tanks of the barge,</p> <p>17 why would that be a bad thing?</p> <p>18 A. It could affect the stability of it.</p> <p>19 Q. Of the barge itself?</p> <p>20 A. Correct.</p> <p>21 Q. Meaning that it wouldn't be a navigable then?</p> <p>22 A. Correct.</p> <p>23 Q. Would water getting into the tanks in any way</p> <p>24 adversely affect the barge pumping or loading liquid</p> <p>25 cargo?</p>	<p>1 A. Yes.</p> <p>2 Q. What?</p> <p>3 A. The cause was a not tightened void hatch on the</p> <p>4 stern void tank.</p> <p>5 Q. On a barge?</p> <p>6 A. On a boat.</p> <p>7 Q. Okay. So --</p> <p>8 A. The hatch wasn't tightened, waves started coming</p> <p>9 over the stern of the boat, water got into the void tank</p> <p>10 and adversely affected the handling of the boat.</p> <p>11 Q. On the tow boat itself?</p> <p>12 A. Correct.</p> <p>13 Q. Do you know when that happened, what year?</p> <p>14 A. No, I don't.</p> <p>15 Q. Is there something that tankermen refer to as</p> <p>16 dogs on a barge, that you know of?</p> <p>17 A. Yeah.</p> <p>18 Q. What are those?</p> <p>19 A. It's dogs on a hatch, basically. On a void hatch</p> <p>20 or a cargo hitch or an ullage hatch. There's many</p> <p>21 hatches on the top deck of the barge. There are dogs,</p> <p>22 which are used to tighten the top of the hatch.</p> <p>23 Q. Okay. Is there a requirement that on overall</p> <p>24 readiness inspection be done on the barge?</p> <p>25 A. Yes.</p>
Page 18	Page 20
<p>1 A. Yes.</p> <p>2 Q. How so?</p> <p>3 A. Okay. If water got into the void tanks on a</p> <p>4 barge, the way that the barge is set up, when</p> <p>5 discharging a barge, it's all through an internal</p> <p>6 pipeline. The internal pipeline is normally set on the</p> <p>7 stern of each individual tank, so when they discharge a</p> <p>8 barge, the barge comes up, and the product rolls back to</p> <p>9 the back of the tank so they can get all of the product</p> <p>10 out. If there's water in any of the voids, it could</p> <p>11 adversely affect the barge's ability to come up and the</p> <p>12 product to be able to drip out of the back of the tank.</p> <p>13 Q. Okay. To your knowledge, at Blessey, has a barge</p> <p>14 ever sunk?</p> <p>15 A. Has a barge ever sank that was owned by Blessey</p> <p>16 Marine?</p> <p>17 Q. Yes.</p> <p>18 A. No.</p> <p>19 Q. What about a tow boat?</p> <p>20 A. Yes.</p> <p>21 Q. That was on owned by Blessey Marine?</p> <p>22 A. Yes, sir.</p> <p>23 Q. One or more?</p> <p>24 A. One.</p> <p>25 Q. Do you know what the cause was?</p>	<p>1 Q. And when is that requirement triggered, if you</p> <p>2 know?</p> <p>3 A. It's required anytime you pick up a barge and</p> <p>4 you're going to take it to dock to load or discharge.</p> <p>5 Q. Okay. And once again, can anybody do that</p> <p>6 readiness inspection? Could it be a deckhand or a</p> <p>7 tankerman?</p> <p>8 A. Could be a deckhand. Could be a wheelman. Could</p> <p>9 be a tankerman, yes.</p> <p>10 Q. Is there a form that goes with that?</p> <p>11 A. There is a form.</p> <p>12 Q. The person who does the inspection, are they</p> <p>13 supposed to sign off on the form?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And does Blessey somehow gather those</p> <p>16 forms in some organized fashion?</p> <p>17 A. Semi-organized, yeah.</p> <p>18 Q. Okay.</p> <p>19 A. Yes. It gets sent into the office when it gets</p> <p>20 completed.</p> <p>21 Q. Okay. Do y'all maintain them for a certain</p> <p>22 amount of time, or...</p> <p>23 A. I don't know if there's a certain amount of time</p> <p>24 they're maintained or not.</p> <p>25 Q. Have you ever done a readiness inspection on a</p>

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<p>1 barge?</p> <p>2 A. Yes.</p> <p>3 Q. Roughly, is there a specific amount of time that</p> <p>4 it takes?</p> <p>5 A. Depends.</p> <p>6 Q. What's the range, in your experience, anyway?</p> <p>7 A. Thirty minutes, 45 minutes.</p> <p>8 Q. What's the purpose of doing a readiness</p> <p>9 inspection on a barge?</p> <p>10 A. Make sure that the barge is either ready to take</p> <p>11 on cargo or discharge, make sure that it's seaworthy.</p> <p>12 Q. So basically three purposes, either make sure</p> <p>13 that it's ready to load, ready to unload and ready to be</p> <p>14 seaworthy?</p> <p>15 A. Basically, yes.</p> <p>16 MR. GRIFFITH:</p> <p>17 Object to form.</p> <p>18 BY MR. OBERTI:</p> <p>19 Q. A barge at Blessey is always attached -- when out</p> <p>20 on river, it's always attached to a tow boat; correct?</p> <p>21 A. Not necessarily. If a barge were left in the</p> <p>22 shipyard for maintenance and repair, it could be left,</p> <p>23 and we could leave it in the fleet as well.</p> <p>24 Q. Sure. But, I mean, when it's actually being</p> <p>25 transported on a river, moving, it's only moving by</p>	<p>1 it's going. I mean, if the wind blows a barge out of</p> <p>2 the fleet, it doesn't take -- I mean, it's going.</p> <p>3 BY MR. OBERTI:</p> <p>4 Q. Meaning it's just floating down the river?</p> <p>5 A. Potentially.</p> <p>6 Q. Yes. I'm sorry. That wasn't my question. My</p> <p>7 question is, at Blessey, I'm assuming you want to keep</p> <p>8 your barges in good shape; right?</p> <p>9 A. That's the goal.</p> <p>10 Q. You said one of the reasons, I guess, you're</p> <p>11 asked to do an overall readiness inspection is to make</p> <p>12 sure it's navigable; right?</p> <p>13 A. Right.</p> <p>14 Q. So that's my question, how do you know that a</p> <p>15 barge is navigable or not? It doesn't have a hole in</p> <p>16 it, that's one thing; right?</p> <p>17 A. Right. It's to ensure that a barge is seaworthy.</p> <p>18 You check the voids to make sure that there's no</p> <p>19 excessive water in the voids, make sure there's no</p> <p>20 gashes, no large dents.</p> <p>21 Q. Anything else?</p> <p>22 A. It has to have running lights on it. If it's at</p> <p>23 nighttime, it will have to have running lights on it.</p> <p>24 Q. Okay. In your experience, would you say it's</p> <p>25 accurate to say that the overall readiness inspection</p>
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<p>1 being connected to a tow boat; correct?</p> <p>2 A. That's correct. It's considered to be part of</p> <p>3 the tow, and the tow consists of the barges and the</p> <p>4 boat.</p> <p>5 Q. And the tow boats at Blessey are not</p> <p>6 self-propelled; correct?</p> <p>7 A. The tow boats are self-propelled.</p> <p>8 Q. They are self-propelled?</p> <p>9 A. Our tow boats?</p> <p>10 Q. Yes. I'm sorry. The barges are not</p> <p>11 self-propelled?</p> <p>12 A. No, they are not.</p> <p>13 Q. Okay. So they're just attached to the tow boat</p> <p>14 itself, and then that's how they move, when the tow boat</p> <p>15 moves; correct?</p> <p>16 A. Correct. They're part of the tow. They're wired</p> <p>17 together. They move as one unit.</p> <p>18 Q. Got you.</p> <p>19 So I guess my question is, what does it take for</p> <p>20 a barge to be navigable?</p> <p>21 MR. GRIFFITH:</p> <p>22 Object to form.</p> <p>23 THE WITNESS:</p> <p>24 It doesn't take anything for a barge to</p> <p>25 be navigable, because if it broke loose from a dock,</p>	<p>1 has a heavier emphasis on making sure that the barge is</p> <p>2 ready to either load or unload, than on it being</p> <p>3 navigable down the river?</p> <p>4 A. It's equally important.</p> <p>5 Q. All three are equally important?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. So if that's the case, then, it would be</p> <p>8 two-thirds focused on loading or unworthy one-third</p> <p>9 focused on seaworthy navigation; correct?</p> <p>10 MR. GRIFFITH:</p> <p>11 Object to form.</p> <p>12 THE WITNESS:</p> <p>13 Not necessarily.</p> <p>14 MR. OBERTI:</p> <p>15 Okay.</p> <p>16 THE WITNESS:</p> <p>17 It's all equally important.</p> <p>18 BY MR. OBERTI:</p> <p>19 Q. Equally?</p> <p>20 A. Correct.</p> <p>21 Q. The three different things, making sure that the</p> <p>22 barge is able to load properly, unload properly and be</p> <p>23 navigable?</p> <p>24 MR. GRIFFITH:</p> <p>25 I'm going to object to the form, because</p>

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<p>1 the barge could never be ready to both load and unload</p> <p>2 cargo, so that's part of the problem I've got with the</p> <p>3 line of questions.</p> <p>4 THE WITNESS:</p> <p>5 Right. I understand what you're asking,</p> <p>6 so if the barge is empty and I was going to load it, it</p> <p>7 needs to be ready to load and ready to navigate, so</p> <p>8 50/50, equally important.</p> <p>9 BY MR. OBERTI:</p> <p>10 Q. Fifty-fifty. Okay. Fair enough.</p> <p>11 What about the one where we talked about</p> <p>12 verifying that all of the hatches and dogs are securely</p> <p>13 tightened? I think you told me same thing there, part</p> <p>14 of it is to make sure that it's navigable, and part of</p> <p>15 it is to make sure that it can take on cargo properly or</p> <p>16 discharge cargo properly; right?</p> <p>17 A. Yes.</p> <p>18 MR. GRIFFITH:</p> <p>19 Object to the form.</p> <p>20 You can answer.</p> <p>21 BY MR. OBERTI:</p> <p>22 Q. Same thing; there about 50/50 in importance?</p> <p>23 MR. GRIFFITH:</p> <p>24 Object to form.</p> <p>25 THE WITNESS:</p>	<p>1 Blessey.</p> <p>2 A. I believe so.</p> <p>3 Q. Do you know how many barges y'all have?</p> <p>4 A. Around 125.</p> <p>5 Q. Do you know how many of those are heating barges?</p> <p>6 A. No, I don't.</p> <p>7 Q. A heater barge, is it capable of carrying both</p> <p>8 cargo that requires to be heated and clean chemical</p> <p>9 cargo, or only cargo that has to be heated?</p> <p>10 A. You wouldn't put a clean chemical in it, but</p> <p>11 there are times where you put a black oil cargo inside a</p> <p>12 heater barge that does not require heat.</p> <p>13 Q. And then there's some other barges that don't</p> <p>14 have the capacity to heat?</p> <p>15 A. That's correct.</p> <p>16 Q. So would you agree with me that the purpose of a</p> <p>17 heater barge, the purpose of the heater part of it is</p> <p>18 purely to ensure that the cargo could be loaded or</p> <p>19 unloaded properly?</p> <p>20 MR. GRIFFITH:</p> <p>21 Object to the form.</p> <p>22 THE WITNESS:</p> <p>23 Can you ask that question again?</p> <p>24 BY MR. OBERTI:</p> <p>25 Q. In your opinion, what's the purpose of having</p>
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<p>1 I don't have an opinion.</p> <p>2 BY MR. OBERTI:</p> <p>3 Q. Okay. All right. As a tankermen, have you ever</p> <p>4 had to check the pressure gauges for the fuel on a</p> <p>5 heated barge?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. What's the purpose of that?</p> <p>8 A. Just to make sure that the barge is being</p> <p>9 maintained -- the heat's being maintained on the barge.</p> <p>10 Q. Why is that important?</p> <p>11 A. Some of our barges are considered heater barges</p> <p>12 and have a thermal oil heating system on board, and we</p> <p>13 heat customers' cargoes to the specific temperature in</p> <p>14 order to discharge the product.</p> <p>15 Q. What would be an example of such a cargo;</p> <p>16 asphalt?</p> <p>17 A. Asphalt.</p> <p>18 Q. Because, obviously, if you don't maintain it at a</p> <p>19 certain heat, it just becomes solid and, therefore, you</p> <p>20 can't transport it?</p> <p>21 A. Correct.</p> <p>22 Q. That would be a bad thing.</p> <p>23 A. Yes.</p> <p>24 Q. Do you know what percentage of -- well, first of</p> <p>25 all, Mr. Voss said y'all have 62 tow boats now at</p>	<p>1 heat on a heater barge?</p> <p>2 A. To make sure that you're able to get all of the</p> <p>3 product out of the barge for transport.</p> <p>4 Q. Okay. And for a heater barge to have a heater,</p> <p>5 how does that heater system work?</p> <p>6 A. Okay. There's a few different components to it.</p> <p>7 A heater barge has a -- they're diesel heated is what it</p> <p>8 is, so it has a diesel, basically, nozzle and it shoots</p> <p>9 diesel inside this tank that has thermal oil coils</p> <p>10 inside this boiler unit, I guess, and that thermal oil</p> <p>11 gets circulated throughout internal coils throughout the</p> <p>12 barge.</p> <p>13 Q. And what's actually heating those coils?</p> <p>14 A. The flame that's fired from the diesel fuel heats</p> <p>15 thermal oil inside of a coil that's pumped throughout</p> <p>16 the barge.</p> <p>17 Q. Whose responsibility is it to maintain the heater</p> <p>18 system?</p> <p>19 A. It's the captain's responsibility.</p> <p>20 Q. And does he delegate the functions to perform</p> <p>21 that responsibility sometimes to the tankermen?</p> <p>22 A. Depending on his ability.</p> <p>23 Q. Have you done it before?</p> <p>24 A. No, I have not.</p> <p>25 Q. Okay. So, I guess, is there one specific</p>

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<p>1 category of crew member that -- in your knowledge 2 anyway, that typically is responsible for maintaining 3 the heater system on a heating barge? 4 A. The captain. 5 Q. But, I mean, ultimately it's the captain's 6 responsibility; right? 7 A. Yes. 8 Q. But I'm saying from a purely functional 9 standpoint, if someone has to go work, physically work, 10 on the heater system, is it typically the captain 11 himself, or whoever he delegates it to? 12 A. It really depends. It depends on the crew, 13 because, at times, the crew is incapable of working on 14 the heater systems, so we have maintenance guys that 15 work from our office that would go out to the barge and 16 potentially work on it. 17 Q. Okay. Do you have -- 18 A. It depends on the severity of the situation. 19 Q. So it could be one of those maintenance folks 20 sent from Blessey from the land -- 21 A. Yes. 22 Q. Could be the captain, could be a deckhand or 23 could be a tankerman, depending on the situation? 24 A. Yes. 25 Q. As far as ongoing -- do the heater barges -- does</p>	<p>1 Q. Have you ever checked temperature on the heater 2 oil? 3 A. Yes. 4 Q. How do you check it? 5 A. Look at a gauge. 6 Q. The gauge on the barge itself? 7 A. Gauge on the barge. 8 Q. What about the incoming temperature of the heating 9 oil; is there ever a need to check that? 10 A. If it wasn't heating properly. 11 Q. How would you know whether it's heating properly 12 or not without checking the temperature? 13 A. You would check the temperature. 14 Q. Okay. And then do you ever have to check -- as a 15 tankerman, did you ever have to check the heater for 16 leaks? 17 A. No. 18 Q. Okay. Now, do all of the Blessey barges have 19 generators on them? 20 A. No. 21 Q. Okay. But they all have engines? 22 A. All of Blessey's barges, no. 23 Q. Do some of them have engines? 24 A. Yes. 25 Q. Do you know out of the roughly 125 -- I'm not</p>
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<p>1 the heater system itself require ongoing day-to-day 2 maintenance? 3 A. Not every day. 4 Q. Okay. Does it require some sort of regular 5 maintenance? 6 A. It does. 7 Q. Do you know who is responsible for that? 8 A. The captain of the boat. 9 Q. And he can assign it to whoever is on that dreg? 10 A. He can delegate it to anybody on the crew. 11 Q. Is there a requirement that those coils of the 12 heater lines be inspected on some regular basis to 13 ensure that they're functioning properly? 14 A. I guess there's a visual inspection after you're 15 done discharging the barge. 16 Q. Who does that? 17 A. The tankerman, while he's discharging the barge. 18 Q. While he's discharging the barge? 19 A. Yes. 20 Q. Okay. All right. Is there ever a need on a 21 heater barge to check the outgoing temperature of the 22 heater oil? 23 A. If it weren't heating properly. 24 Q. Okay. And who would do that? 25 A. Whoever the captain designated.</p>	<p>1 holding you to that number -- how many of them have 2 engines? 3 A. Most do. 4 Q. What's the purpose of the engine; so that barge 5 can discharge cargo? 6 A. Yes. 7 Q. When would a barge not have an engine; when it's 8 only a barge that loads? 9 A. No. We have six pressure barges, and they don't 10 have an engine. It's a pressure cargo, and basically 11 the pressure of the cargo discharges the barge. No 12 engines. 13 Q. I got you. 14 And is there any specific type of cargo that you 15 have to put in a pressure barge for it to work properly? 16 A. Yes. 17 Q. Do you know what cargo that is? 18 A. Propane, butane, those are just two examples. 19 Q. Do you know if any of the claimants have opted 20 into this lawsuit worked on pressure barges? 21 A. I'm not sure. 22 Q. All right. Does a tankerman ever have to 23 maintain an engine on the barges, including checking the 24 cycles and voltage? 25 A. Ask that again.</p>

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<p>1 Q. Do you know if a tankerman ever has to maintain</p> <p>2 the engine on the barges, including checking and</p> <p>3 maintaining the cycles and voltage?</p> <p>4 A. Yeah, possibly.</p> <p>5 Q. And what's the purpose of that?</p> <p>6 A. Just to ensure that the generator is putting off</p> <p>7 enough voltage.</p> <p>8 Q. So that it can properly discharge?</p> <p>9 A. So that it can run the electric pump -- so that</p> <p>10 it can fun heating of the barge if it were heating.</p> <p>11 Q. Okay. And have you ever had to drain water from</p> <p>12 the expansion tank before cranking up the heater?</p> <p>13 A. Yes.</p> <p>14 Q. What what's the purpose of that; make sure that</p> <p>15 the heater is working properly?</p> <p>16 A. Just more --</p> <p>17 MR. GRIFFITH:</p> <p>18 Object to form.</p> <p>19 THE WITNESS:</p> <p>20 More specifically, is to ensure that</p> <p>21 there's no water inside the thermal oil that's in the</p> <p>22 barge, so if you heat water, it becomes steam and could</p> <p>23 pressure the system.</p> <p>24 BY MR. OBERTI:</p> <p>25 Q. So it could adversely affect the heater system?</p>	<p>1 Q. I'm not asking you why you didn't include it.</p> <p>2 I'm just confirming that you didn't.</p> <p>3 MR. GRIFFITH:</p> <p>4 I'm going to object to the form of the</p> <p>5 question, to the extent that that's even a question.</p> <p>6 THE WITNESS:</p> <p>7 Okay.</p> <p>8 BY MR. OBERTI:</p> <p>9 Q. You didn't include time spent verifying that all</p> <p>10 of the hatches and dogs are were secured tightly; did</p> <p>11 you?</p> <p>12 A. No.</p> <p>13 Q. You didn't include time spent on overall</p> <p>14 readiness inspection on the barges; did you?</p> <p>15 A. No.</p> <p>16 Q. And you didn't include time spent checking the</p> <p>17 diesel -- time spent checking the pressure gauges for</p> <p>18 the few on the heater barge; did you?</p> <p>19 A. No.</p> <p>20 Q. And you didn't include time spent checking the</p> <p>21 outgoing or incoming temperature of the heating oil on</p> <p>22 heater barges; did you?</p> <p>23 A. No.</p> <p>24 MR. GRIFFITH:</p> <p>25 I'm going to object to the form.</p>
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<p>1 A. Yes.</p> <p>2 Q. Okay. Do you know if -- well, as a tankerman,</p> <p>3 did you ever trace the entire pipeline of the heating</p> <p>4 system to ensure that it was not and would not leak?</p> <p>5 A. No.</p> <p>6 Q. Do you know if that's something that people have</p> <p>7 to do on heater barges?</p> <p>8 A. Some of it is internal, so you couldn't.</p> <p>9 Q. All right. Now, let me just go down the list and</p> <p>10 confirm that the two declarations in which you expressed</p> <p>11 an opinion about the amount of working time that some of</p> <p>12 the claimants in this case spent on cargo transfers. In</p> <p>13 your definition of cargo transfer, you didn't include</p> <p>14 time spent on oiling or greasing fittings on a barge;</p> <p>15 did you?</p> <p>16 A. No.</p> <p>17 Q. And you didn't include time spent changing oil</p> <p>18 and oil filters on the engines on the barge; did you?</p> <p>19 A. No, because there's no way to know when that got</p> <p>20 done or who it got done by.</p> <p>21 Q. And you didn't include time spent cleaning the</p> <p>22 barge of oil spots and debris; did you?</p> <p>23 A. No, because that's not something that would be</p> <p>24 logged, and it wouldn't necessary be the tankerman to do</p> <p>25 that.</p>	<p>1 THE WITNESS:</p> <p>2 No.</p> <p>3 BY MR. OBERTI:</p> <p>4 Q. And you didn't include time spent maintaining the</p> <p>5 heater system; did you?</p> <p>6 MR. GRIFFITH:</p> <p>7 Object to the form.</p> <p>8 THE WITNESS:</p> <p>9 No.</p> <p>10 BY MR. OBERTI:</p> <p>11 Q. And you didn't include time spent maintaining the</p> <p>12 generator on the barges, including checking and</p> <p>13 maintaining the cycles and voltage on the generator; did</p> <p>14 you?</p> <p>15 MR. GRIFFITH:</p> <p>16 Object to the form.</p> <p>17 THE WITNESS:</p> <p>18 No.</p> <p>19 BY MR. OBERTI:</p> <p>20 Q. And you didn't include time spent draining water</p> <p>21 from the expansion tank before cranking up the heater;</p> <p>22 did you?</p> <p>23 MR. GRIFFITH:</p> <p>24 Object to the form.</p> <p>25 THE WITNESS:</p>

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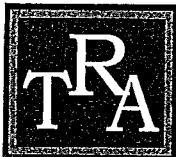
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<p>1 No.</p> <p>2 BY MR. OBERTI:</p> <p>3 Q. And you didn't include -- all right. So the</p> <p>4 things I just ticked off just now that you did not</p> <p>5 include as time considered as cargo transfer time in</p> <p>6 your analysis, is there any way for you to actually know</p> <p>7 how much time, if any, of the tankermen in this case</p> <p>8 spent doing those things?</p> <p>9 A. No.</p> <p>10 Q. There's no record that captures the time that any</p> <p>11 of the tankermen in this case spent doing any of those</p> <p>12 things?</p> <p>13 A. No.</p> <p>14 Q. All right. I think you told me -- let's go down</p> <p>15 the list real quick here, kind of all the things from</p> <p>16 the beginning. We started off, and you told me about</p> <p>17 some of the things that needed to be done to prepare the</p> <p>18 barge for loading; do you remember that?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. One of the things you said was open the</p> <p>21 valves?</p> <p>22 A. Yes.</p> <p>23 Q. Do you know how long that takes, typically?</p> <p>24 A. Depends.</p> <p>25 Q. Do you have a range?</p>	<p>1 Q. And then I think the last thing you said for</p> <p>2 preparing the barge for loading was make sure the barge</p> <p>3 is properly lit or properly flagged; correct?</p> <p>4 A. There might be no time spent on that, if you've</p> <p>5 had the barges in tow, the crew are familiar with it.</p> <p>6 Q. Okay. Well, I mean, if -- are the lights</p> <p>7 permanently stationed in there so it's just a matter of</p> <p>8 flipping a switch?</p> <p>9 A. For the most part, yes.</p> <p>10 Q. All right. So that wouldn't take any time.</p> <p>11 A. Wouldn't take any time.</p> <p>12 Q. But if it's a flag, the flag, I guess, comes up</p> <p>13 or down depending on what you're doing?</p> <p>14 A. No. It's permanently there.</p> <p>15 Q. So no time on that one; right?</p> <p>16 A. No. No time.</p> <p>17 Q. And for the things you mentioned for preparing or</p> <p>18 unloading or discharging, you said, make sure the engine</p> <p>19 is in good shape to pump; right?</p> <p>20 A. Yes.</p> <p>21 Q. About how long would that take?</p> <p>22 A. Wouldn't take any time if you've had that barge</p> <p>23 in tow. Potentially zero.</p> <p>24 Q. What if you haven't?</p> <p>25 MR. GRIFFITH:</p>
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<p>1 A. Three minutes, five minutes, three to five</p> <p>2 minutes.</p> <p>3 Q. Then I think the second thing you said was you</p> <p>4 monitor product levels in the tank to ensure that</p> <p>5 they're level; correct?</p> <p>6 A. Yes.</p> <p>7 Q. How long does that take?</p> <p>8 A. It's really ongoing throughout the transfer.</p> <p>9 Q. Okay. And then you said you hook up the hose to</p> <p>10 the barge?</p> <p>11 A. Yes.</p> <p>12 Q. How long does that take?</p> <p>13 A. Five to 15 minutes, and sometimes the crew</p> <p>14 doesn't even do it. Some docks have dock crews that</p> <p>15 hook up or disconnect the hose.</p> <p>16 Q. Do you have to be a tankerman to hook up?</p> <p>17 A. No.</p> <p>18 Q. When does the requirement of the tankermen click</p> <p>19 in; just when the liquid starts flowing?</p> <p>20 A. When the cargo transfer is started.</p> <p>21 Q. And another thing you said was you check the</p> <p>22 hatches to make sure there's no water in the barge?</p> <p>23 A. Yes.</p> <p>24 Q. And do you know how long that typically takes?</p> <p>25 A. Could take 15 minutes.</p>	<p>1 Object to the form.</p> <p>2 THE WITNESS:</p> <p>3 It really does depend. It really does</p> <p>4 depend.</p> <p>5 BY MR. OBERTI:</p> <p>6 Q. Can you give me a minimum or maximum range?</p> <p>7 MR. GRIFFITH:</p> <p>8 Object to the form.</p> <p>9 THE WITNESS:</p> <p>10 Five to 10 minutes.</p> <p>11 BY MR. OBERTI:</p> <p>12 Q. Okay. And you said check pumps to the ensure</p> <p>13 that it can come in and out of gear; right?</p> <p>14 A. Sure.</p> <p>15 Q. How long would that take?</p> <p>16 A. A minute.</p> <p>17 Q. Then check fuel level to discharge product?</p> <p>18 A. Two minutes.</p> <p>19 Q. Okay. And then moving over to the list I ticked</p> <p>20 off, roughly how long does it take to oil grease</p> <p>21 fittings on a barge?</p> <p>22 A. That could take an hour, and that's an item</p> <p>23 that's not done on an every-transfer basis.</p> <p>24 Q. Is there some, like, minimum maintenance</p> <p>25 requirement for oiling the grease fittings on a barge?</p>

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<p>1 A. I believe we have guidelines for it.</p> <p>2 Q. Do you know what the guidelines say?</p> <p>3 A. No, I can't recall exactly.</p> <p>4 Q. Okay. Then changing oil and oil filters on the</p> <p>5 engines on the barges; do you know how long it takes to</p> <p>6 change out the oil and oil filter?</p> <p>7 A. I do. It's not something that's done on an</p> <p>8 everyday basis.</p> <p>9 Q. Right. I imagine it's kind of like with your</p> <p>10 car, after you go for so long, you change out the oil?</p> <p>11 A. Correct.</p> <p>12 Q. Every time you change out the oil on a barge, do</p> <p>13 you also change out the oil filter?</p> <p>14 A. Yes.</p> <p>15 Q. And when that is done, do you know roughly the</p> <p>16 range of amount of time that it takes to do it?</p> <p>17 A. About an hour.</p> <p>18 Q. Can you do that while the tow boat is in transit?</p> <p>19 A. Yes, you could.</p> <p>20 Q. Okay. Are Blessey tankermen sometimes physically</p> <p>21 on the barge while the whole tow was going down a river?</p> <p>22 A. At times, yes.</p> <p>23 Q. Okay. How big are those barges?</p> <p>24 A. The majority of them are 300-feet by 54-feet</p> <p>25 long, but we've got several different sized barges.</p>	<p>1 gauge.</p> <p>2 BY MR. OBERTI:</p> <p>3 Q. What about drain water from an expansion tank</p> <p>4 before cranking up the heater?</p> <p>5 A. Three or four minutes.</p> <p>6 Q. And, now, I imagine you've never given any sort</p> <p>7 of expert testimony or expert report in your life</p> <p>8 before; have you?</p> <p>9 A. No.</p> <p>10 Q. And if you look at Exhibit Number 3 there, that's</p> <p>11 the Supplemental Declaration you provided on May 29th;</p> <p>12 correct?</p> <p>13 A. It actually says June the 3rd.</p> <p>14 MR. GRIFFITH:</p> <p>15 Actually, it's referring to a prior one.</p> <p>16 Check the date on the last page.</p> <p>17 THE WITNESS:</p> <p>18 Yes; correct, May the 29th, 2012.</p> <p>19 BY MR. OBERTI:</p> <p>20 Q. Okay. And is it accurate to say that you were</p> <p>21 asked to determine a percentage of working time each</p> <p>22 claimant in this case, except Freddie McLemore and Eric</p> <p>23 Jones, spent on cargo transfers?</p> <p>24 A. Yes.</p> <p>25 MR. GRIFFITH:</p>
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<p>1 Q. And then verifying that all of the hatches and</p> <p>2 dogs are securely tightened; do you know roughly how</p> <p>3 long that takes?</p> <p>4 A. Potentially no time if you've had that barge in</p> <p>5 tow and you know, so -- but it could take 25 to 30</p> <p>6 minutes.</p> <p>7 Q. Okay. And then check the pressure gauges on the</p> <p>8 fuel for a heater barge?</p> <p>9 A. Thirty seconds.</p> <p>10 Q. Check the outgoing or incoming temperature of the</p> <p>11 heating oil on a heating barge?</p> <p>12 MR. GRIFFITH:</p> <p>13 Object to form.</p> <p>14 THE WITNESS:</p> <p>15 Thirty seconds. It's simply looking at</p> <p>16 a gauge.</p> <p>17 BY MR. OBERTI:</p> <p>18 Q. Okay. Check and maintain -- maintain the</p> <p>19 generator on the barges, including checking the cycles</p> <p>20 and voltage on the generator; do you know how long that</p> <p>21 would take?</p> <p>22 MR. GRIFFITH:</p> <p>23 Object to form.</p> <p>24 THE WITNESS:</p> <p>25 Thirty seconds. It's looking at a</p>	<p>1 Object to form.</p> <p>2 BY MR. OBERTI:</p> <p>3 Q. And who assigned you to that task?</p> <p>4 A. I was assigned by Beau and my direct supervisor,</p> <p>5 Clark Todd.</p> <p>6 Q. Okay. And what's Clark Todd's title; Chief</p> <p>7 Operating Officer?</p> <p>8 A. Yes.</p> <p>9 Q. Did they tell you why they were giving you this</p> <p>10 assignment?</p> <p>11 A. Yes.</p> <p>12 Q. What did they say?</p> <p>13 A. Because we were involved in a lawsuit.</p> <p>14 Q. Did they give you anymore detail?</p> <p>15 A. It was a lawsuit -- I was told that it was a</p> <p>16 lawsuit about tankermen wages for Keith Coffin.</p> <p>17 Q. Okay. That was when you did the first one, which</p> <p>18 is actually Exhibit 2, which is specific to Coffin?</p> <p>19 A. Correct.</p> <p>20 Q. Then later on, I guess --</p> <p>21 A. Then later on, it was other tankermen.</p> <p>22 Q. Okay. And as I understand it, for the purposes</p> <p>23 of your report, you defined cargo transfer work as</p> <p>24 actual loading or unloading time, meaning hose in to</p> <p>25 hose out while liquid is transferred; correct?</p>

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<p>1 A. Correct.</p> <p>2 Q. Then you also included in that phrase, "cargo</p> <p>3 transfer", in your calculation blowback time?</p> <p>4 A. When it was logged, yes.</p> <p>5 Q. And what is "blowback"?</p> <p>6 A. If you were loading or discharging a heavy oil</p> <p>7 product -- and I say "heavy oil product", one that's</p> <p>8 loaded or discharged at 250 degrees or greater, that</p> <p>9 type of product will solidify in the pipeline if it's</p> <p>10 not blown out of the pipeline, so what you would do is,</p> <p>11 when you're done loading or done discharging, you would</p> <p>12 have to specifically -- you hook up air from the hose to</p> <p>13 the barge and blow each one of the pipelines down, each</p> <p>14 one of the valves and each one of the tanks, blow all of</p> <p>15 the product down, make sure there's no product inside</p> <p>16 the pipeline that would solidify and not allow you to</p> <p>17 discharge or load cargo whenever you got to your</p> <p>18 destination.</p> <p>19 Q. Okay. Make sure that they're not blocked up for</p> <p>20 the future?</p> <p>21 A. Right.</p> <p>22 Q. Sometimes that's recorded on captains' logs, and</p> <p>23 sometimes it's not?</p> <p>24 A. Correct.</p> <p>25 Q. But you added -- so when it wasn't, obviously you</p>	<p>1 Q. Okay. Which is what?</p> <p>2 A. Which is, they're required to put in a log entry</p> <p>3 every six hours, whether they're moving or not. We</p> <p>4 require them to put ETAs, which are estimated time of</p> <p>5 arrivals, EFTs, which are estimated finish times,</p> <p>6 estimated time of docking, anytime they cross a major</p> <p>7 intersection, we require hose on times, hose off times,</p> <p>8 dock times, spotted times. If a barge has got a black</p> <p>9 oil product, we require temperatures twice a day. If</p> <p>10 they have a black oil cargo and they're heating, we</p> <p>11 require temperatures four times a day, every six hours.</p> <p>12 And if they're discharging, we require pump RPMs and</p> <p>13 pressures. When an inspector comes on the barge, we</p> <p>14 require the inspector time on, time off, his time and</p> <p>15 the company that he works for.</p> <p>16 I think that covers the major point of the logs.</p> <p>17 Q. And you said this is what Blessey requires the</p> <p>18 logs to reflect?</p> <p>19 A. Correct.</p> <p>20 Q. And when you say this is what Blessey requires</p> <p>21 the logs to reflect, do you mean the handwritten logs or</p> <p>22 electronic logs or both?</p> <p>23 A. That's referring to both.</p> <p>24 Q. Have you ever compared handwriting captains' logs</p> <p>25 to electronic captains' logs?</p>
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<p>1 couldn't capture it, but when it was, you did?</p> <p>2 A. Because you don't do it on every transfer. Not</p> <p>3 ever transfer would require that.</p> <p>4 Q. Oh, I see.</p> <p>5 It's kind of like a preventative maintenance</p> <p>6 thing that doesn't have to be done all the time, just</p> <p>7 sometimes?</p> <p>8 A. Depends on what the cargo is.</p> <p>9 Q. Is it always captured when it does occur?</p> <p>10 A. It should be.</p> <p>11 Q. Okay. That raises a question. You say something</p> <p>12 about captains' logs are supposed to be accurate; right?</p> <p>13 A. Correct.</p> <p>14 Q. But are they supposed to be comprehensive and say</p> <p>15 everything that everybody did on the boat every single</p> <p>16 day?</p> <p>17 A. No.</p> <p>18 Q. What are they supposed to capture, or do you know</p> <p>19 what they're legally required to reflect, if anything?</p> <p>20 A. I do know what they're legally required to</p> <p>21 reflect.</p> <p>22 Q. Which is what?</p> <p>23 A. Which is -- no. I take that back. I mean, I</p> <p>24 can't specifically say what they're legal -- I know</p> <p>25 what Blessey Marine is required for them to say.</p>	<p>1 A. Not that I can recall.</p> <p>2 Q. Is there any requirement of Blessey that you know</p> <p>3 of that the electronic captains' logs match</p> <p>4 word-for-word the handwritten captains' logs?</p> <p>5 A. Ask that again.</p> <p>6 Q. Is there any requirement at Blessey that the</p> <p>7 electronic captains' logs match verbatim or</p> <p>8 word-for-word the handwritten captains' logs?</p> <p>9 A. I'm not positive of that.</p> <p>10 Q. Okay. And it's the captain himself that creates</p> <p>11 both logs, the handwritten and electronic?</p> <p>12 A. Yes.</p> <p>13 Q. And does Blessey have a requirement of when the</p> <p>14 captain has to create these logs, like how soon after</p> <p>15 these event occur?</p> <p>16 A. No, we don't have a requirement of that.</p> <p>17 Q. Do the captains have to turn the logs in in some</p> <p>18 timeframe?</p> <p>19 A. Yes.</p> <p>20 Q. And what's the timeframe?</p> <p>21 A. They send in -- the electronic logs are submitted</p> <p>22 at 0600 and at midnight.</p> <p>23 Q. Twice a day?</p> <p>24 A. Correct.</p> <p>25 Q. Doesn't the captain's log cover a 24-hour period?</p>

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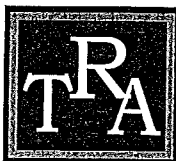
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<p>1 A. Yes.</p> <p>2 Q. Okay. All right. So getting back to how you</p> <p>3 define "cargo transfer", you included, like we said,</p> <p>4 actual loading and unloading, when the hose is hooked up</p> <p>5 and product is flowing, and you also included blowback</p> <p>6 time when it occurred and it was reflected on the</p> <p>7 captain's log; correct?</p> <p>8 A. Correct.</p> <p>9 Q. And then you added a half an hour for each</p> <p>10 tankering for completion of the Declaration of</p> <p>11 Inspection?</p> <p>12 A. Correct.</p> <p>13 Q. When you say each tankering, you mean each time</p> <p>14 that there's been completed loading or unloading?</p> <p>15 A. Commenced.</p> <p>16 Q. Anything else, other than that, that you included</p> <p>17 within your definition of cargo transfers for purposes</p> <p>18 of your analysis?</p> <p>19 A. No.</p> <p>20 Q. And on the Keith Coffin analysis, Exhibit 2, did</p> <p>21 you include the half an hour for each tankering for him</p> <p>22 to complete the Declaration of Inspection?</p> <p>23 A. No.</p> <p>24 Q. Why not? I mean, why the change?</p> <p>25 A. Keith Coffin was the first one that I did. I</p>	<p>1 A. Yes.</p> <p>2 Q. And did anyone else tell you that a specific</p> <p>3 number was significant?</p> <p>4 A. I knew what the percentage was that was being --</p> <p>5 I knew what the percentage was, yes.</p> <p>6 Q. Which was what?</p> <p>7 A. I know knew that there was a claim that tankermen</p> <p>8 spent more than 20 percent of their time on cargo</p> <p>9 transfer operations.</p> <p>10 Q. How did you know that?</p> <p>11 MR. GRIFFITH:</p> <p>12 I want to object. I just want to make</p> <p>13 sure -- I don't have a problem with Mr. Grenon talking</p> <p>14 about his knowledge, but as it pertains to any specific</p> <p>15 conversations with counsel, we would invoke</p> <p>16 attorney/client privilege. I just want to preserve that</p> <p>17 in that respect. I don't have a problem with him</p> <p>18 talking about something that he knows, but if you're</p> <p>19 asking about specific communications with me or</p> <p>20 Mr. Bethune, we want to invoke that privilege.</p> <p>21 MR. OBERTI:</p> <p>22 I mean, if he's your expert, I'm allowed</p> <p>23 to know what --</p> <p>24 MR. GRIFFITH:</p> <p>25 Why don't ask him what he knows? But</p>
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<p>1 really didn't know -- I just -- I was strictly analyzing</p> <p>2 cargo transfers, so that's what I used.</p> <p>3 Q. Did you include blowback time in Coffin's?</p> <p>4 A. I did. I specifically remember there times where</p> <p>5 blowback time was logged in the logs. You wouldn't</p> <p>6 blowback -- it all depends on what the cargo is, so it</p> <p>7 couldn't be every time that they blew cargo back into</p> <p>8 the barge.</p> <p>9 Q. Okay. So, I guess what I'm getting at is, is</p> <p>10 there any difference in your methodology for Coffin</p> <p>11 versus everybody else, meaning Exhibit 2 and Exhibit 3,</p> <p>12 other than the fact that for Coffin, you didn't include</p> <p>13 half an hour for each tankering to complete Declaration</p> <p>14 of Inspection?</p> <p>15 A. No, other than that, there's no differences.</p> <p>16 Q. Okay. Where did you get this -- how did you</p> <p>17 include that these were the right things to include</p> <p>18 within your definition of cargo transfers? Did someone</p> <p>19 else tell you to do that, or did you just come up with</p> <p>20 it?</p> <p>21 A. I did. I know what it is. I know what a cargo</p> <p>22 transfer is.</p> <p>23 Q. Okay. And that was your assignment was, to</p> <p>24 figure out what percentage of these people's working</p> <p>25 time was spent on cargo transfers?</p>	<p>1 if -- I don't have a problem with you asking him what he</p> <p>2 knows. If you're asking about specific conversations</p> <p>3 that he had with us, then I've got a concern, so I'm not</p> <p>4 sure your question gets there.</p> <p>5 MR. OBERTI:</p> <p>6 Even though he's your expert, though?</p> <p>7 I'm allowed to know what he relied on.</p> <p>8 MR. GRIFFITH:</p> <p>9 I understand, and it may not -- ask your</p> <p>10 question again, because it may not --</p> <p>11 MR. OBERTI:</p> <p>12 Okay. That's fine.</p> <p>13 BY MR. OBERTI:</p> <p>14 Q. Did you ever read a copy of the lawsuit?</p> <p>15 A. No.</p> <p>16 Q. Well, in any event, at some point, you learned</p> <p>17 that the claimants or claimant was claiming that they</p> <p>18 spent more than 20 percent of their time doing cargo</p> <p>19 transfers, is how you put it?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. And did you know that before or after you</p> <p>22 completed the declaration on Keith Coffin?</p> <p>23 A. I can't recall.</p> <p>24 Q. Okay. Do you know what the definition legally is</p> <p>25 under the Fair Labor Stands Act is for seamen?</p>

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<p>1 A. I can't quote it verbatim.</p> <p>2 Q. Okay. What is your understanding, if you have</p> <p>3 one?</p> <p>4 A. A seamen spends the majority of his time under</p> <p>5 the watch of a master directly relating to</p> <p>6 transportation of a vessel. Something along those</p> <p>7 lines.</p> <p>8 Q. Okay. Did this thing that you knew about, 20</p> <p>9 percent that you testified to, did you know it before</p> <p>10 May 29th, 2012?</p> <p>11 A. I couldn't tell you that.</p> <p>12 Q. Okay. All right.</p> <p>13 MR. GRIFFITH:</p> <p>14 Ask that question again.</p> <p>15 Notice the date. He said May 29th,</p> <p>16 2012, a week ago.</p> <p>17 BY MR. OBERTI:</p> <p>18 Q. I think what you've testified to is that you're</p> <p>19 aware that the complainants or claimants are alleging</p> <p>20 that they spent more than 20 percent of their time on</p> <p>21 cargo transfers; right?</p> <p>22 A. Correct.</p> <p>23 Q. Then I ask you were you aware of that and you</p> <p>24 said you couldn't remember, so then I said, well, did</p> <p>25 you know that by May 29th, 2012?</p>	<p>1 BY MR. OBERTI:</p> <p>2 Q. And you've laid out your various percentages;</p> <p>3 correct?</p> <p>4 A. Correct.</p> <p>5 Q. My question is, were you given any other</p> <p>6 assignment other than that?</p> <p>7 A. Any other assignment that was directly related to</p> <p>8 this case?</p> <p>9 Q. Yes.</p> <p>10 A. Or any other assignment in general?</p> <p>11 Q. I'm sure you've got plenty other assignments</p> <p>12 outside of your report; right?</p> <p>13 A. Sure.</p> <p>14 Q. And specifically limited to your expert opinions</p> <p>15 you were asked to give, were you given any other</p> <p>16 assignment to express an opinion or do an analysis of?</p> <p>17 A. Not that I recall. I mean, the percentage of it</p> <p>18 was spent analyzing time spent during cargo transfers.</p> <p>19 Q. Yes. That's what you rendered a conclusion on;</p> <p>20 correct?</p> <p>21 A. Correct.</p> <p>22 Q. Any other conclusions, expert conclusions, you</p> <p>23 have had, other than the percentage of working time of</p> <p>24 each claimant, other than Freddie McLemore and Eric</p> <p>25 Jones, spent on cargo transfers?</p>
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<p>1 A. Yes.</p> <p>2 Q. Okay. Did you read the affidavits of any of the</p> <p>3 claimants in this case?</p> <p>4 A. Yes, I did.</p> <p>5 Q. Okay. So based on your definition of cargo</p> <p>6 transfers that we've already covered in your analysis,</p> <p>7 you concluded that across the board none of the</p> <p>8 claimants in this case spent more than 20 percent of</p> <p>9 their working time covering cargo transfers; correct?</p> <p>10 A. Correct.</p> <p>11 Q. Now, were you given any other assignment to</p> <p>12 complete relative to your declarations, other than to</p> <p>13 determine the percentage of working time each claimant,</p> <p>14 other than Freddie McLemore and Eric Jones, spent</p> <p>15 performing cargo transfers, were you given any other</p> <p>16 assignment?</p> <p>17 A. Ask that question again, please.</p> <p>18 Q. Well, obviously we can tell from your</p> <p>19 declarations you were assigned to determine what</p> <p>20 percentage of working time all of the claimants in this</p> <p>21 case, other than Freddie McLemore and Eric Jones, spent</p> <p>22 on cargo transfers; correct?</p> <p>23 A. Correct.</p> <p>24 MR. GRIFFITH:</p> <p>25 Object to the form.</p>	<p>1 MR. GRIFFITH:</p> <p>2 I'm going to object to the form.</p> <p>3 THE WITNESS:</p> <p>4 Not that I recall.</p> <p>5 BY MR. OBERTI:</p> <p>6 Q. Okay. So you were not specifically asked to</p> <p>7 determine the percentage of working time the plaintiff</p> <p>8 spent performing non-seaman's work under the Fair Labor</p> <p>9 Standards Act; were you?</p> <p>10 MR. GRIFFITH:</p> <p>11 Object to the form.</p> <p>12 THE WITNESS:</p> <p>13 No.</p> <p>14 BY MR. OBERTI:</p> <p>15 Q. And you were not specifically asked to determine</p> <p>16 the percentage of working time the plaintiff spent</p> <p>17 performing work rendered primarily as an aid in the</p> <p>18 operation of a vessel as a means of transportation; were</p> <p>19 you?</p> <p>20 MR. GRIFFITH:</p> <p>21 Object to the form.</p> <p>22 THE WITNESS:</p> <p>23 Can you ask the question again?</p> <p>24 BY MR. OBERTI:</p> <p>25 Q. You were not specifically asked to render an</p>

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<p>1 expert opinion on the percentage of working time the</p> <p>2 claimant spent on work rendered primarily as an aid in</p> <p>3 the operation of a vessel as a means of transportation;</p> <p>4 were you?</p> <p>5 MR. GRIFFITH:</p> <p>6 I'm going to object to the form.</p> <p>7 THE WITNESS:</p> <p>8 It all is. All of their work.</p> <p>9 BY MR. OBERTI:</p> <p>10 Q. My question is, you were not asked to render an</p> <p>11 expert opinion in your declarations regarding a</p> <p>12 percentage of working time any of the claimants spent</p> <p>13 working performing tasks primarily as an aid in the</p> <p>14 operation of a vessel as a means for transportation;</p> <p>15 were your not asked to render an expert opinion on that</p> <p>16 question; were you?</p> <p>17 MR. GRIFFITH:</p> <p>18 Object to the form again.</p> <p>19 THE WITNESS:</p> <p>20 I don't know if I was asked that</p> <p>21 specifically or not. I mean, that's a funny way to ask</p> <p>22 a question.</p> <p>23 BY MR. OBERTI:</p> <p>24 Q. Well, in your declarations themselves, you didn't</p> <p>25 express an opinion on that question; did you?</p>	<p>1 A. Correct.</p> <p>2 Q. I guess what you're saying right now is, I guess,</p> <p>3 in your opinion, all of the work that a tankermen does</p> <p>4 is work that is rendered primarily as an aid in the</p> <p>5 operation of a vessel as a means for transportation?</p> <p>6 A. Correct.</p> <p>7 Q. And, therefore, based on that conclusion, there</p> <p>8 would be no basis for you to perform an analysis of what</p> <p>9 work is rendered primary as an aid in the operation of</p> <p>10 vessel as a means of transportation and what work isn't</p> <p>11 because there is no work in the isn't category; correct?</p> <p>12 MR. GRIFFITH:</p> <p>13 Objection to the form.</p> <p>14 THE WITNESS:</p> <p>15 Not in my eyes.</p> <p>16 BY MR. OBERTI:</p> <p>17 Q. Okay. And that includes, for example, the very</p> <p>18 act of loading or unloading a barge, in your opinion,</p> <p>19 that work itself is work rendered primarily as an aid in</p> <p>20 the operation of a vessel as a means of transportation?</p> <p>21 A. Yes.</p> <p>22 Q. Because if it's not done properly, the vessel</p> <p>23 could become unseaworthy?</p> <p>24 A. Correct.</p> <p>25 MR. GRIFFITH:</p>
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<p>1 MR. GRIFFITH:</p> <p>2 I'm going to object to the form. I</p> <p>3 think there is information in these declarations about</p> <p>4 that issue and whether or not the duties speak to the</p> <p>5 vessels as a means of transportation.</p> <p>6 MR. OBERTI:</p> <p>7 Okay. Well, let him answer. He can</p> <p>8 answer his own questions.</p> <p>9 MR. GRIFFITH:</p> <p>10 Well, I know, but there are several</p> <p>11 declarations along, and I don't want you to ask a</p> <p>12 question that suggests that something's not in a</p> <p>13 declaration that's here. Paragraph 3 of this</p> <p>14 declaration is talking about that.</p> <p>15 MR. OBERTI:</p> <p>16 Okay. Well, let's look at paragraph 3.</p> <p>17 Exhibit 3, they're actually the same on that.</p> <p>18 BY MR. OBERTI:</p> <p>19 Q. You say in paragraph 3 of your Supplemental</p> <p>20 Declaration, "Every member of the Blessey Marine crew</p> <p>21 has duties that are exclusively for services rendered as</p> <p>22 an aid in the operation of the vessel as a means for</p> <p>23 transportation. Stated another way, every crew member's</p> <p>24 actions are critically important for the vessel to move</p> <p>25 and perform it's functions"; correct?</p>	<p>1 Let's take a break.</p> <p>2 THE WITNESS:</p> <p>3 Yeah, I'm ready for a break.</p> <p>4 MR. OBERTI:</p> <p>5 Sure,</p> <p>6 (A recess was taken.)</p> <p>7 BY MR. OBERTI:</p> <p>8 Q. All right. Mr. Grenon, we're back from break.</p> <p>9 Can I ask you to turn to the Exhibit Number 17?</p> <p>10 A. Sure.</p> <p>11 Q. Have you ever heard of a company in the industry</p> <p>12 named Martin Resource Management Corp?</p> <p>13 A. I haven't heard of that specifically, but it says</p> <p>14 Martin Marine, and I know who Martin Marine is, yes.</p> <p>15 Q. Okay. Is Martin Marine a competitor of</p> <p>16 Blessey's?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And have you ever seen this document</p> <p>19 before?</p> <p>20 A. No, I have not.</p> <p>21 Q. Okay. Well, I'm just going to represent, it's</p> <p>22 something I found on the internet for a job description</p> <p>23 for a tankerman at Martin Resource Management Corp. And</p> <p>24 my question to you is, do you see section there that</p> <p>25 says "Duties"?</p>

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<p>1 A. Uh-huh.</p> <p>2 Q. And the first sense sentence says, "It is the</p> <p>3 duty of the tankerman/person --"</p> <p>4 Do y'all have any female tankerman at Blessey?</p> <p>5 A. No, we do not.</p> <p>6 Q. "It is the duty of the tankerman/person to</p> <p>7 oversee transfer operations which are covered by</p> <p>8 extensive laws and regulations of the U.S. Coast Guard</p> <p>9 and other federal and local government agencies"; do you</p> <p>10 see that?</p> <p>11 A. Uh-huh.</p> <p>12 Q. Yes?</p> <p>13 A. Yes. I'm sorry.</p> <p>14 Q. Would you agree with me that that's an accurate</p> <p>15 statement at Blessey, too?</p> <p>16 MR. GRIFFITH:</p> <p>17 Object to form.</p> <p>18 BY MR. OBERTI:</p> <p>19 Q. That it's the duty of the tankermen to oversee</p> <p>20 cargo transfer operations which are covered by extensive</p> <p>21 laws and regulations of the U.S. Coast Guard and other</p> <p>22 federal and local government agencies?</p> <p>23 MR. GRIFFITH:</p> <p>24 Object to the form.</p> <p>25 THE WITNESS:</p>	<p>1 Q. It says, "Dropping, spotting or switching barges</p> <p>2 at docks"; is that something that a tankerman at Blessey</p> <p>3 might be required to do?</p> <p>4 A. A tankerman as well as a deckhand, yes.</p> <p>5 Q. And then it says, "Assisting and switching barges</p> <p>6 at bulk docks"; is that something that Blessey's</p> <p>7 tankermen do?</p> <p>8 A. It's actually work worded funny. I mean,</p> <p>9 assisting and switching barges at docks, I mean, I guess</p> <p>10 so.</p> <p>11 Q. Can deckhands do that, too?</p> <p>12 A. Yes.</p> <p>13 Q. And it says, "Standing lookout or riding the head</p> <p>14 of the tow as a lookout"; is that something that</p> <p>15 tankermen at Blessey do?</p> <p>16 A. Yes.</p> <p>17 Q. And deckhands as well?</p> <p>18 A. Yes.</p> <p>19 Q. What's the idea there?</p> <p>20 A. What they do -- it's hard for a wheelman to judge</p> <p>21 distance or speed from a wheelhouse, so what happens is,</p> <p>22 anytime there's a close-quarter situation, he may</p> <p>23 require a lookout to be either on the side of the tow or</p> <p>24 up on the head of the tow or barges.</p> <p>25 Q. And how does that --</p>
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<p>1 Yes, we do that at Blessey.</p> <p>2 BY MR. OBERTI:</p> <p>3 Q. Then it says, "The objective of the</p> <p>4 tankerman/person is safe, pollution free and efficient</p> <p>5 cargo movement and transfers and the safety of the</p> <p>6 environment and to the public"; do you agree with me</p> <p>7 that that sentence is accurate at Blessey as well?</p> <p>8 MR. GRIFFITH:</p> <p>9 Object to the form.</p> <p>10 THE WITNESS:</p> <p>11 That's one of the many objectives of our</p> <p>12 tankermen, yes.</p> <p>13 BY MR. OBERTI:</p> <p>14 Q. Okay. All right. Then moving down, there's a</p> <p>15 section that lists things A through I. It says</p> <p>16 "Operational"; do you see that?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And it says, "A: Making up the tow"; are</p> <p>19 tankermen sometimes required to make up the tow at</p> <p>20 Blessey?</p> <p>21 A. Yes.</p> <p>22 Q. Are the deckhands, too?</p> <p>23 A. Yes.</p> <p>24 Q. It's whoever the captain assigns?</p> <p>25 A. Yes.</p>	<p>1 A. And what he does, he's got a VHF radio, and he</p> <p>2 will tell the captain the estimated speed or estimated</p> <p>3 distances.</p> <p>4 Q. Okay. Are the barges always behind the tow boat?</p> <p>5 A. No. They're in front of the boat.</p> <p>6 Q. They're in front of the boat. So the tow boat</p> <p>7 pushes the barges?</p> <p>8 A. Yes.</p> <p>9 Q. And so what could be the maximum distance between</p> <p>10 where the captain is in the tow boat itself and the end</p> <p>11 of the outer barge?</p> <p>12 A. It would all depend on what size tow he's</p> <p>13 pushing.</p> <p>14 Q. It could be 300 yards?</p> <p>15 A. Yeah.</p> <p>16 Q. Wow.</p> <p>17 And then it says, "Performing the various tasks</p> <p>18 necessary to carry out the above, such as making a</p> <p>19 coupling, operating wrenches and ratchets and line</p> <p>20 handling, including splicing and throwing lines"; is</p> <p>21 that something that tankermen at Blessey do?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Do deckhands do it, too?</p> <p>24 A. Yes.</p> <p>25 Q. And it says, "confirming with and receiving</p>

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<p>1 orders from the captain, relief captain or mate"; is</p> <p>2 that something that tankermen at Blessey do?</p> <p>3 A. Yes.</p> <p>4 Q. And deckhands, too?</p> <p>5 A. Yes.</p> <p>6 Q. And is says, "Being familiar enough to work with</p> <p>7 complex pumping diagrams, pumps, valves, et cetera"; is</p> <p>8 that something that tankermen at Blessey do?</p> <p>9 A. Yes.</p> <p>10 Q. What about deckhands?</p> <p>11 A. Yes.</p> <p>12 Q. And then it says, "Moving cargo from one</p> <p>13 compartment to another within the barges"; is that</p> <p>14 something that Blessey tankermen do?</p> <p>15 A. No.</p> <p>16 Q. Okay.</p> <p>17 A. That's not a requirement of ours.</p> <p>18 Q. Okay. And then the last thing on the next page</p> <p>19 says, "Loading cargo to proper barge draft" do you know</p> <p>20 what that means?</p> <p>21 A. Yes.</p> <p>22 Q. What is that?</p> <p>23 A. The draft is the distance from the waterline to</p> <p>24 the bottom of the vessel, and depending on where a barge</p> <p>25 was going would determine what draft that a barge can be</p>	<p>1 A. Well, it's required -- there's a 40-hour</p> <p>2 dangerous liquids course they go through and a 16-hour</p> <p>3 firefighting course, and that's required by the Coast</p> <p>4 Guard to get your tankerman's license.</p> <p>5 Q. Where do they go for those courses?</p> <p>6 A. We use a couple of different schools. I think</p> <p>7 that we're using currently Houston Marine based in New</p> <p>8 Orleans for our --</p> <p>9 Q. Private company?</p> <p>10 A. I don't know if it's private or public.</p> <p>11 Q. Okay. Are those requirements by law or something</p> <p>12 Blessey requires?</p> <p>13 A. That's required by the Coast Guard.</p> <p>14 Q. Any other former requirements of education to be</p> <p>15 a tankerman at Blessey?</p> <p>16 A. No.</p> <p>17 Q. Okay. You graduated from high school, I assume?</p> <p>18 A. Yes.</p> <p>19 Q. What year?</p> <p>20 A. 1994.</p> <p>21 Q. Do you have a college degree?</p> <p>22 A. Yes.</p> <p>23 Q. Where did you go to college?</p> <p>24 A. Tulane University.</p> <p>25 Q. What year did you graduate from there?</p>
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<p>1 loaded to.</p> <p>2 Q. Okay. Are there various levels of tankermen</p> <p>3 certifications?</p> <p>4 A. I wouldn't call them levels, but there's</p> <p>5 different tankermen certifications.</p> <p>6 Q. Okay. How many of them are there?</p> <p>7 A. Probably three that I can think of offhand.</p> <p>8 Q. What are they?</p> <p>9 A. There's a Tankermen DL, which stands for</p> <p>10 dangerous liquids, Barge, and then there's Tankerman DL</p> <p>11 Ship, and then there's also like a Liquified Gas, LG,</p> <p>12 rating.</p> <p>13 Q. Okay. To be a tankerman at Blessey, which ones</p> <p>14 do you have to have?</p> <p>15 A. Tankerman DL Barge. We also have six tows that</p> <p>16 require the LG endorsement.</p> <p>17 Q. And obviously those barges are carrying liquefied</p> <p>18 gas?</p> <p>19 A. Correct.</p> <p>20 Q. All right. To be a tankerman at Blessey, do you</p> <p>21 have to have any specific formal education?</p> <p>22 A. High school diploma or GED.</p> <p>23 Q. Anything beyond that required?</p> <p>24 A. To be a tankerman?</p> <p>25 Q. Yes.</p>	<p>1 A. 2007.</p> <p>2 Q. So when you were a tankerman, you hadn't achieved</p> <p>3 a college degree yet?</p> <p>4 A. Correct.</p> <p>5 Q. What's your degree in from Tulane?</p> <p>6 A. It's in social sciences, with a minor in</p> <p>7 business.</p> <p>8 Q. Now, is being a tankerman physical work?</p> <p>9 A. At times.</p> <p>10 Q. What are they wearing? Do they have uniforms?</p> <p>11 A. Yeah. Blessey marine issues uniforms.</p> <p>12 Q. Are they wearing the same uniforms that deckhands</p> <p>13 wear?</p> <p>14 A. Yes.</p> <p>15 Q. Is it the same uniform that the captain wears?</p> <p>16 A. It depends. The captain can opt to get a tan</p> <p>17 shirt, rather than the green shirt, and that's the only</p> <p>18 differentiation, or the captain can wear a green shirt,</p> <p>19 too.</p> <p>20 Q. What about the relief captain?</p> <p>21 A. Wheelhouse crew can wear a tan shirt.</p> <p>22 Q. Okay. And Blessey issues these uniforms for the</p> <p>23 crew members?</p> <p>24 A. Correct.</p> <p>25 Q. And do they require -- what about shoes?</p>

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<p>1 A. Steel-toed shoes are required. 2 Q. Does Blessey issue that? 3 A. Yes. 4 Q. Why are steel-toed shoes required of the 5 tankermen? 6 A. Because there's a danger of having your toes... 7 Q. Smashed? 8 A. Smashed. 9 Q. That's a good reason. 10 All right. Are you a member of any industry 11 organizations? 12 A. Blessey Marine is. 13 Q. On behalf of Blessey Marine, do you participate 14 in any of them? 15 A. Yes. 16 Q. Which ones? 17 A. GICA, G-I-C-A, and AWO. 18 Q. AW... 19 A. AWO, American Waterways Operations. 20 Q. Have you had any discussions with any of the 21 other businesses in the industry regarding this lawsuit? 22 A. I have. 23 Q. Who did you have such discussions with? 24 A. I had discussions with a guy that works for 25 Magnolia Marine.</p>	<p>1 Q. Where were you living at the time? 2 A. I lived... 3 MR. GRIFFITH: 4 You mean when he was off the boat? 5 BY MR. OBERTI: 6 Q. Where did you live when you were on land? 7 A. Oh, sure. Yeah. I lived in Caryville, Florida, 8 and I also lived in Troy, Alabama. 9 Q. Okay. So when you got off your boat, would the 10 company typically fly you home? 11 A. Yes. 12 Q. And when you would have to go back on the boat 13 for your 20 days or whatever your shift was, would they 14 typically fly you to wherever your vessel was? 15 A. Yes. Typically they would fly me to wherever the 16 vessel was. 17 Q. The closest port? 18 A. Yes. 19 Q. Okay. And is that what the company still does 20 for its tankermen? 21 A. Yes. 22 Q. All right. And as I understand it, the 23 tankermen, when you're on duty, they typically work a 24 12-hour shift -- I'm sorry -- a six-hour shift, six on, 25 six off?</p>
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<p>1 Q. Where are they out of? 2 A. Vicksburg, Mississippi. 3 Q. Who was the guy you had a discussion with? 4 A. His name is Chris, and I can't think of his last 5 name. 6 Q. Was this in person or on the phone? 7 A. It was on the phone. 8 Q. How did it come up? 9 A. He called me up and he said, "Hey, I saw your 10 name on some legal paperwork," or my name had come up in 11 some lawsuit, and he said, "What's going on with that?" 12 Q. What did you say? 13 A. I said, "We got some tankermen that are suing us 14 about how many hours were spent..." 15 Q. Okay. Do you know if Magnolia has been sued? 16 A. No, I do not. 17 Q. Have you talked to any other company in the 18 industry that's actually been sued by a tankerman? 19 A. No, I have not. 20 Q. Or the tankermen? 21 A. No. 22 Q. All right. Let me ask you this: When you were a 23 tankerman, what shift did you work; twenty-one and... 24 A. Primarily 21 and 10. Twenty-one days on the 25 boat, 10 off.</p>	<p>1 A. Correct. 2 Q. So a total, typically, of 12 hours of work within 3 a 24-hour period? 4 A. Correct. 5 Q. Is there any rule that says they can't work more 6 than that? 7 A. There's a rule -- the CFR states that a tankerman 8 can't work anymore than 16 hours in a 24-hour period. 9 Q. Okay. And so how does work on the day -- let's 10 start with the day that the tankerman is getting off the 11 vessel. 12 A. Okay. 13 Q. How does that work? 14 A. Well, it really depends on where the boat is and 15 what the boat is doing. For instance, if the boat is in 16 Houston -- we have a fleet in Houston, Webfleet, and if 17 the boat is standing by in Houston and they're not going 18 to be going to the dock that afternoon, we may get the 19 crew off early. They may be able to catch an 8 o'clock 20 in the morning flight, so what may happen is, we send 21 one of our drivers or we contract a cab service to pick 22 the crew members up off the boat, take them to the 23 airport, and then that's -- or sometimes they may be in 24 the middle of a transfer or they may be underway, and 25 then what would happen is, crew members, the captain,</p>

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<p>1 tankermen, deckhand, whoever was catching the boat would 2 get picked up from the airport, brought to the boat, and 3 then when got on the boat, then the guys that were 4 getting off would get in that cab and then go to the 5 airport and fly home. 6 Q. Okay. Does Blessey try to have the tankermen get 7 off the boat before the oncoming crew comes on? 8 A. It really depends on what's going on. 9 Q. So sometimes there could be two crews on for a 10 few hours? 11 A. No. No. At the most, a 30-minute -- 12 Q. Overlap? 13 A. -- changeover. 14 Q. Okay. 15 A. Because the guys there are getting off are 16 normally ready to go home. 17 Q. The folks that are getting off, does Blessey try 18 to arrange it so that the whole crew is 100 percent 19 turnover, or is it just man-for-man? 20 A. No. No. The way that it's set up is, if a boat 21 is working 20 days on and 10 days off, they'll crew 22 change every 10 days, so they'll always stagger. 23 Q. Okay. Got you. 24 And does Blessey try to do this as any particular 25 time of the day?</p>	<p>1 the topic. 2 MR. OBERTI: 3 If you don't know, I'm just asking for 4 your own personal knowledge. 5 MR. GRIFFITH: 6 Without a foundation that he's been 7 charged with their pay or with the methodology as to how 8 they're paid, the thinking, as you put it, would be 9 outside of the scope of what he's been designated to 10 testify about. 11 MR. OBERTI: 12 I'm just asking your own personal 13 knowledge. 14 MR. GRIFFITH: 15 Just individually, whatever he knows? 16 MR. OBERTI: 17 Yes; right. 18 MR. GRIFFITH: 19 I don't have an objection if you're 20 asking if he knows just individually. 21 MR. OBERTI: 22 Right. Not on behalf as the corporate 23 rep. 24 BY MR. OBERTI: 25 Q. Do you know why the company has that practice or</p>
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<p>1 A. It all depends on the location. 2 Q. Okay. And as I understand it, Blessey's 3 practice, at least for the last five years, has always 4 been to pay you tankermen half their normal day rate on 5 the day that they're getting off the vessel? 6 A. Correct. If they get off before 3:00 p.m. 7 Q. All right. And if they get off after 3:00 p.m., 8 they get a full day's pay? 9 A. Correct. 10 Q. And what's the thinking there? 11 MR. GRIFFITH: 12 Object to the form. 13 MR. OBERTI: 14 If you know. 15 THE WITNESS: 16 The thinking is they're going to spend 17 the better part of the day before they can get home, so 18 we compensate them by paying them for a full day. 19 BY MR. OBERTI: 20 Q. Okay. But if they get off before 3:00, then the 21 thinking is, "Well, they really didn't work the better 22 part of the day, so a half day is fair"? 23 MR. GRIFFITH: 24 I'm going to object to the form and just 25 note that Mr. Grenon has not been designated to speak to</p>	<p>1 policy that they're paid a full day to the tankermen if 2 they get off the boat after 3:00, but a half day if 3 before 3:00? 4 A. I believe it's just a courtesy if they get off 5 the boat after 3:00, they get a full day. 6 Q. Okay. 7 A. Because they're going to spend most of their day 8 traveling. 9 Q. Okay. What's that belief based on; just common 10 sense? 11 A. I don't know. 12 Q. Have you ever had any discussion with anybody 13 else at the company about it? 14 A. No. 15 Q. Who's in charge of setting the tankermen's pay? 16 A. Ultimately Clark Todd. 17 Q. Does it come out through you, though? 18 A. Yes. 19 Q. The tankermen, are they eligible for annual 20 increases? 21 A. Yes, they are. 22 Q. Is that something you would pass on? 23 A. Yes. 24 Q. And is it possible that a tankerman can get off 25 before 3:00 -- when you say 3:00, you mean being 3:00</p>

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<p>1 p.m.; right?</p> <p>2 A. Correct.</p> <p>3 Q. Is it possible for a tankerman to get off before</p> <p>4 3:00 p.m., but yet still have worked 12 hours within the</p> <p>5 preceding 24 hours?</p> <p>6 A. No.</p> <p>7 Q. And obviously Blessey doesn't track the amount of</p> <p>8 time it takes the tankermen to get -- from the time they</p> <p>9 get off the vessel to the time they actually get to</p> <p>10 their home?</p> <p>11 A. No.</p> <p>12 Q. And likewise, on the day that the tankerman gets</p> <p>13 back on the boat, then is the policy the same there,</p> <p>14 that if they get on the boat before 3:00, they get a</p> <p>15 full day's pay, but after 3:00, half day's pay?</p> <p>16 A. No. They just get a full day because they get a</p> <p>17 half a day the day they catch the boat.</p> <p>18 Q. Irrespective of when they actually get on the</p> <p>19 boat?</p> <p>20 A. Correct.</p> <p>21 Q. And do you know why that is?</p> <p>22 A. Because the day starts the same -- the day</p> <p>23 basically starts the same time, they just get half a day</p> <p>24 the day that they catch the boat.</p> <p>25 Q. Okay. Does Blessey try to make sure they're</p>	<p>1 Q. All right. Let me put it this way: Some people</p> <p>2 in America work typically from 9:00 to 5:00; right?</p> <p>3 A. Right.</p> <p>4 Q. So the boss says, "I want you to fly to</p> <p>5 Pittsburgh tomorrow, but I want you to catch a flight at</p> <p>6 8 o'clock p.m. that lands at 11:00 p.m.," well, we know</p> <p>7 that they're actually traveling outside their ordinary</p> <p>8 work day; right?</p> <p>9 A. Right.</p> <p>10 Q. I'm saying in this situation, would you agree</p> <p>11 with me that it's often the case that the time that the</p> <p>12 tankerman is traveling, either to their home at the end</p> <p>13 of their shift or back, you know, to the vessel at the</p> <p>14 beginning of their hitch, that time of the day that</p> <p>15 they're traveling, if they were actually on the vessel,</p> <p>16 they would be on duty during that time?</p> <p>17 MR. GRIFFITH:</p> <p>18 Object to the form.</p> <p>19 BY MR. OBERTI:</p> <p>20 Q. That's possible?</p> <p>21 MR. GRIFFITH:</p> <p>22 I'm going object to the form.</p> <p>23 THE WITNESS:</p> <p>24 No, because they would never be on duty</p> <p>25 unless they're on the boat, or maybe I'm not</p>
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<p>1 actually on the boat at a specific time on their day</p> <p>2 back?</p> <p>3 A. Not necessarily, because it all depends on where</p> <p>4 the boat is.</p> <p>5 Q. And obviously Blessey doesn't track the amount of</p> <p>6 time it takes for a person to get from their home to the</p> <p>7 vessel on their day back?</p> <p>8 A. No.</p> <p>9 Q. And would you agree with me that given the fact</p> <p>10 that the tankermen work six on, six off, six on, six</p> <p>11 off, that it's highly likely that any travel time that</p> <p>12 they may have, that part of the day, if they were</p> <p>13 actually a tankerman on the vessel, that would cover</p> <p>14 part of their shift?</p> <p>15 MR. GRIFFITH:</p> <p>16 Object to the form.</p> <p>17 BY MR. OBERTI:</p> <p>18 Q. That they would be on duty part of that time?</p> <p>19 MR. GRIFFITH:</p> <p>20 Object to the form.</p> <p>21 If you know.</p> <p>22 THE WITNESS:</p> <p>23 It's pos-- I don't understand the</p> <p>24 question.</p> <p>25 BY MR. OBERTI:</p>	<p>1 understanding the --</p> <p>2 BY MR. OBERTI:</p> <p>3 Q. You've got to understand my question. Let's go</p> <p>4 back to the example I gave for the person who they're</p> <p>5 ordinarily works from 9:00 a.m. to 5:00 p.m. --</p> <p>6 A. Sure.</p> <p>7 Q. -- and they're asked to travel overnight</p> <p>8 somewhere at 8:00 p.m.; right, we know that the time</p> <p>9 that they're traveling between 8:00 p.m. and 11:00 p.m.,</p> <p>10 that is not time they would ordinarily be at work;</p> <p>11 right?</p> <p>12 A. Correct.</p> <p>13 Q. Versus this situation, if they were actually --</p> <p>14 if the tankermen was actually on their hitch on the</p> <p>15 vessel, they could be working pretty much anytime within</p> <p>16 a 24-hour period; correct?</p> <p>17 MR. GRIFFITH:</p> <p>18 Object to the form. I think he's</p> <p>19 already testified that the opposite is true. They do</p> <p>20 not work all of those 24 hours. They could be on, or</p> <p>21 they could be off, and that it wouldn't be possible for</p> <p>22 them to work --</p> <p>23 MR. OBERTI:</p> <p>24 All right. Let him answer the question.</p> <p>25 THE WITNESS:</p>

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<p>1 It would depend. It would depend on 2 where the boat is. It would depend on what watch 3 they're on. 4 BY MR. OBERTI: 5 Q. Right. It depends, which means they could be at 6 work during the time they're on the vessel, or they 7 could be off; right? 8 A. Correct. 9 Q. And, in fact, as I understand it; am I right, 10 that at some point during the tankerman's hitch, rather 11 than working six on, six off, they work 12 straight? 12 A. No. 13 Q. That never happens? 14 A. Not necessarily. 15 Q. Well, does it ever happen? 16 A. It could. 17 Q. When would it happen? 18 A. It could happen if that boat was shorthanded. If 19 a tankerman got off for a family emergency, he may work 20 his 12 hours consecutive, rather than six on, six off. 21 Q. What about the whole -- how many tankerman are 22 actually on the boat? 23 A. Usually two. 24 Q. Usually? 25 A. Front watch is from 0600 to noon and 1800 to</p>	<p>1 schedule the tankermen will work, and they'll work six 2 hours on and six hours off unless there's an emergency, 3 you work. 4 Q. And where is that schedule posted, if it is? 5 A. It may not be posted anywhere. The captain may 6 just instruct the crew when they get on board. 7 Q. Okay. So y'all, to your knowledge, don't 8 maintain the tankermen's scheduled in any documented 9 fashion that you know of? 10 A. No. 11 Q. Now, in performing the analysis that you 12 performed in Exhibits 2 and 3 here, obviously you relied 13 on the electronic captains' logs; correct? 14 A. That's correct. 15 Q. Did you rely on anything else, other than the 16 electronic captains' logs? 17 A. No. 18 Q. Did you review the handwritten captains' logs? 19 A. No, I did not. 20 Q. Did you rely on any of the affidavits from the 21 claimants in this case? 22 A. No, I did not. 23 Q. Did you rely on any interviews with plaintiffs -- 24 with the claimants' coworkers on the vessels? 25 A. No.</p>
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<p>1 midnight, and the back watch is midnight to 0600 and 2 noon to midnight -- to six -- I'm sorry -- noon to 1800. 3 Q. Do the tankermen assigned to front watch and back 4 watch always maintain their assignment throughout their 5 hitch? 6 A. Not necessarily. 7 Q. Do they ever switch? 8 A. It just depends. Sometimes they don't. 9 Q. Okay. So, I mean, it's accurate to say that a 10 tankerman, depending on their schedule, could be on duty 11 at any time when they're on the vessel? 12 MR. GRIFFITH: 13 Object to the form. 14 THE WITNESS: 15 Correct. It would depend on what boat 16 they're on and what shift they're working. 17 BY MR. OBERTI: 18 Q. Okay. As long as the tankerman doesn't exceed 16 19 hours of work within a 24-hour day, is it the captain's 20 prerogative to tell him to work at any time during the 21 day? 22 MR. GRIFFITH: 23 Object to the form. 24 THE WITNESS: 25 No. There will usually be a set</p>	<p>1 Q. Did you ever talk to any of the claimants' 2 coworkers or captains on the vessels where they worked 3 as part of your analysis? 4 A. No. 5 Q. So did you rely on any documents or any other 6 information in performing your analysis as reflected in 7 Exhibits 2 and 3, other than the electronic captains' 8 logs themselves? 9 A. No. That's all I used. 10 Q. Did you review any of the depositions in the 11 case? 12 A. No, I did not. 13 Q. And you were doing this, I think you told me, at 14 the behest -- you created Exhibits 2 and 3 at the behest 15 of Blessey's general counsel and chief operating 16 officer? 17 A. Correct. 18 Q. And did you communicate with either or both of 19 them during the time you were doing this analysis? 20 A. Well, yes, because I did each one of them 21 individually, so... 22 Q. Okay. Do you remember roughly how long it took 23 you to do the Keith Coffin one? 24 A. No, I don't. 25 Q. Meaning there's at least about 500 individual</p>

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<p>1 captains' logs; right?</p> <p>2 A. Yeah. The was a lot.</p> <p>3 Q. You went through each one?</p> <p>4 A. Yes.</p> <p>5 Q. And then you did the same thing for the second</p> <p>6 declaration, which obviously meant even a larger amount</p> <p>7 of captains' logs to review?</p> <p>8 A. Correct. I probably spent approximately 40 hours</p> <p>9 per person.</p> <p>10 Q. And that was all associated with analyzing the</p> <p>11 captains' logs and then filling in the chart you created</p> <p>12 so that you could generate a percentage?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And so during the time you were actually</p> <p>15 doing this, before you reached your conclusions on</p> <p>16 either Coffin or the other guys, were you in</p> <p>17 communication with Clark Todd or Mr. Bethune?</p> <p>18 A. You mean specifically, like, for instance, in the</p> <p>19 middle of ana- --</p> <p>20 Q. Yes.</p> <p>21 A. No, I wasn't.</p> <p>22 Q. You just completed your analysis and gave them</p> <p>23 the results?</p> <p>24 A. Correct.</p> <p>25 Q. And did you interact with anybody from</p>	<p>1 A. To review and then sign.</p> <p>2 Q. Who provided them to you?</p> <p>3 A. Beau.</p> <p>4 Q. And did he provide it by e-mail or hard copy?</p> <p>5 A. E-mail, I believe.</p> <p>6 Q. Okay. Did you he tell you with he got them?</p> <p>7 A. No.</p> <p>8 Q. Okay. Did you know where he got them?</p> <p>9 A. No.</p> <p>10 Q. Okay. So they were -- he asked you to review</p> <p>11 them and then, when they were accurate, to sign them?</p> <p>12 A. He asked me to review them and we made any</p> <p>13 changes if we noted any changes, which we did. We made</p> <p>14 the changes and then we reviewed them again and signed</p> <p>15 them.</p> <p>16 Q. So did I hear you right that in each situation,</p> <p>17 the declaration relating to Mr. Coffin and the</p> <p>18 declaration relating to the other claimants, you</p> <p>19 reviewed them and made some changes and then signed it</p> <p>20 once it was finalized?</p> <p>21 A. That's correct.</p> <p>22 Q. Were the changes made by you on a word document</p> <p>23 in redline?</p> <p>24 A. No.</p> <p>25 Q. How were they made?</p>
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<p>1 Mr. Griffith's office while you were doing this?</p> <p>2 A. No.</p> <p>3 Q. So it sounds like, if I've got it right, you were</p> <p>4 asked to perform this assignment by Mr. Todd and</p> <p>5 Mr. Bethune, and then you completed the assignment and</p> <p>6 then you provided your results to Mr. Todd and</p> <p>7 Mr. Bethune?</p> <p>8 A. I provided my results to Beau Bethune after I</p> <p>9 analyzed each one of the tankermen.</p> <p>10 Q. When you provide the results, were they in the</p> <p>11 form of Exhibits 2 and 3?</p> <p>12 A. No. They were put into this -- we put this into</p> <p>13 this form.</p> <p>14 Q. So when you say your results, I'm assuming, "This</p> <p>15 is my bottom line," the actual percentages?</p> <p>16 A. Correct.</p> <p>17 Q. And then later on, the declarations that are</p> <p>18 Exhibits 2 and 3 were structured?</p> <p>19 A. Correct.</p> <p>20 Q. And who actually prepared those declarations, if</p> <p>21 you know?</p> <p>22 A. I don't know.</p> <p>23 Q. How did you receive them?</p> <p>24 A. I received them in printed form.</p> <p>25 Q. To sign?</p>	<p>1 A. They were done face-to-face with Beau, or I</p> <p>2 e-mailed just some changes in verbiage.</p> <p>3 Q. Oh, you mean, like in a cover e-mail itself?</p> <p>4 A. I'm not sure.</p> <p>5 Q. Okay. So who actually went into the word version</p> <p>6 itself and made the changes?</p> <p>7 A. I don't know.</p> <p>8 Q. Did you?</p> <p>9 A. No, I did not.</p> <p>10 Q. Okay. Whoever did it, later, Mr. Bethune, I</p> <p>11 assume, came back with a document that reflected those</p> <p>12 changed and you signed them?</p> <p>13 A. That's correct.</p> <p>14 Q. Was it just one round of changes?</p> <p>15 A. I believe so.</p> <p>16 Q. For each declaration?</p> <p>17 A. I'm not for sure. I mean, there's -- I'm not</p> <p>18 positive. I think so.</p> <p>19 Q. All right. Now, you would agree with me that you</p> <p>20 don't have any personal knowledge of what any of the</p> <p>21 claimants in this case did or didn't do; correct?</p> <p>22 A. No, I do not.</p> <p>23 Q. You didn't actually work on a vessel with any of</p> <p>24 them; correct?</p> <p>25 A. I did at times. I served as a port captain and I</p>

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<p>1 was over some of the these guys and I would go down to 2 the boat while they were on watch. 3 Q. Do you remember anybody in particular? 4 A. I do. 5 Q. Who? 6 A. I remember going on the boat with Keith Coffin. 7 Keith Coffin was on watch. 8 Q. Were you assigned to that particular vessel at 9 the time? 10 A. As a port captain, yes. 11 Q. What does a port captain do? 12 A. Port captain basically oversees the operation of 13 the vessel and works as a liaison for the vessel to the 14 different departments in the office. 15 Q. And is the port captain assigned to that crew on 16 the vessel, or is he mobile? 17 A. He's usually assigned from anywhere from eight to 18 11 or 12 boats, and he's assigned to the boat, so 19 depending on who the crew members are on that vessel. 20 Q. Well, does the port captain on a day-to-day basis 21 live on a vessel? 22 A. No, not necessarily. They can sometimes. If a 23 boat is going to an area where maybe somebody isn't 24 posted, they may catch the boat and ride for a couple of 25 days.</p>	<p>1 the face wires out on the boat. 2 Q. Face wires? 3 A. Yes. They're wires that are used to couple the 4 boat to the barges. 5 Q. Okay. And Mr. Coffin helped with that? 6 A. Yes. 7 Q. Anything else that you can recall specifically 8 Mr. Coffin doing when you saw him? 9 A. No. 10 Q. What about Mr. Fulkerson? 11 A. No. 12 Q. Okay. Now, would you agree with me that you 13 don't have any personal knowledge of whether the 14 captains' logs you solely relied on to create your 15 analyses are accurate? 16 MR. GRIFFITH: 17 Object to the form. 18 THE WITNESS: 19 Ask the question again, please. 20 BY MR. OBERTI: 21 Q. To be fair to you, the captains' logs that you 22 solely relied on in performing your analyses as 23 reflected in Exhibits 2 and 3, you assume that they're 24 accurate; right? 25 A. That's correct.</p>
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<p>1 Q. Did you ever do that? 2 A. No. 3 Q. So sounds like you're saying, just so I 4 understand, you were a port captain assigned to numerous 5 vessels, one of which, for a period of time, was Keith 6 Coffin's? 7 A. Yes. 8 Q. Were any of the other claimants in this case, if 9 you know, on a crew that you were the port captain 10 assigned to? 11 A. Mason Fulkerson was, on the Jack Green. 12 Q. Anybody else? 13 A. Not offhand. 14 Q. Okay. Did you, yourself, ever spend a full hitch 15 on a boat with any of the claimants in this case? 16 A. No. 17 Q. Or even overnight? 18 A. No. 19 Q. Okay. Do you have any recollection of 20 specifically of what you saw Mr. Coffin doing, if 21 anything, on the times you did see him? 22 A. Yes. 23 Q. What did you see him doing? 24 A. I brought down to the boat some new face wires 25 for the boat, for the Laura Anne Blessey, and we changed</p>	<p>1 Q. But you don't know from personal knowledge if any 2 of those captains' logs are accurate; correct? 3 MR. GRIFFITH: 4 Object to the form. 5 THE WITNESS: 6 I mean, I do because I know, as a port 7 captain assigned to vessels, I know what they're doing. 8 BY MR. OBERTI: 9 Q. Okay. Well, I mean, you know what they're doing 10 how? 11 A. I know what they're doing through communications 12 daily with the captain. 13 Q. Okay. What period of time did you work as a port 14 captain? 15 A. Oh, I worked -- I'm not sure. I can't give you 16 exact dates. 17 Q. Well, do you know if you were port captain 18 anytime after January 2009? 19 A. Yes. Specifically April of 2010 to October, 20 November 2010, I was a port captain. 21 Q. Okay. 22 A. And as director of operations, the port captains 23 are under me. 24 Q. Okay. So you were a port captain for about six 25 months in 2010?</p>

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